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Illinois. Laws. Statutes, etc. Municipal Law

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RELATING TO

THERON DURHAM,
ATTORNEY,
140 DEARBORN ST.

CITIES, VILLAGES AND INCORPORATED TOWNS

IN FORCE JULY 1, 1901.

COMPILED AND PUBLISHED BY

JAMES A. ROSE,

Secretary of State.

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EXPLANATORY.

In making this compilation of laws relating to cities, villages and incorporated towns of Illinois, it has seemed advisable to group them in two divisions. Part I contains the general act of 1872 for the organization of cities and villages and subsequent acts relating specifically to municipalities organized under this act of 1872.

Part II includes acts and parts of acts relating to municipalities organized under both general and special laws. Most of the acts in Part II are applicable to all municipalities of the State, though a few of them relate to cities only, as distinguished from towns and villages, and others only to certain municipalities incorporated under special acts prior to 1872. Sections have been taken from those chapters of the revised statutes relating to schools, revenue, criminal code, parks and other subjects applicable to municipalities. The paragraph and chapter numbers of the statutes have been retained and are enclosed within brackets at the end of each section.

In this, as in every compilation from the statutes, it is possible that a more judicious selection of matter might have been made, and a better possible arrangement adopted; but probably no grave errors have been made in either direction. With such imperfections as it may contain, it is hoped that this volume will prove a convenience to the municipal authorities of the State.

TABLE OF CONTENTS.

PART I.

GENERAL ACT OF 1872.

[PARAGRAPHS 1-159.]

ARTICLE I. OF THE ORGANIZATION OF CITIES: Reorganising from existing municipalities and organising from new territory..Paragraphs	1-20
ARTICLE II. OF THE MAYOR: His qualifications, term of office, powers, duties, etc	Paragraphs 21-25
ARTICLE III. OF THE COUNCIL: Their number, term of office, qualifications, rules, powers, duties, jurisdiction, etc.....Paragraphs	26-54
ARTICLE IV. ELECTIONS: Annual election of city officers—Qualifications of voters—Minority representa- tion—Notice to officers elect—Special elections, etc.....Paragraphs	55-65
ARTICLE V. OF THE POWERS OF THE CITY COUNCIL: Powers enumerated—Ordinances, style of, publication of, proof of—Jurisdiction over waters—Street labor.....Paragraphs	66-79
ARTICLE VI. OFFICERS—THEIR POWERS AND DUTIES: Officers, elective and appointive—Duties, oath, bond, commission, qualifications, compensation, etc.....Paragraphs	80-95
ARTICLE VII. OF FINANCE: Fiscal year—Appropriations—Duties of treasurer—Receipts, vouchers, bonds, warrants, etc.—City collector—City comptroller—Insurance companies.....Paragraphs	96-118
ARTICLE VIII. OF THE ASSESSMENT AND COLLECTION OF TAXES: Ordinances—Limitation—Collection—Special taxes—Uniformity.....Paragraphs	119-123
ARTICLE IX. SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS: Ordinances—Eminent domain—Hearing—Judgment—General tax—Special tax— Sidewalks—Water pipes—Bonds—Installments, etc.....Paragraph	124
ARTICLE X. WATER—MISCELLANEOUS: Water supply—Rates—Taxation—Plats—Population—Census—"Municipal year" etc.....Paragraphs	125-133
ARTICLE XI. OF THE ORGANIZATION OF VILLAGES: Reorganising from incorporated towns—Organising from new territory—Corpo- rate name—Powers—Ordinances—Village from city—Village from a village, etc.Paragraphs	134-158

PART II.

ACTS CONCERNING MUNICIPALITIES ORGANIZED UNDER GENERAL OR SPECIAL ACTS.

[PARAGRAPHS 159-1160.]

ORGANIZATION:

Acts concerning annexation, disconnection and division of municipal territory—
Change of name—Change of site—Plats, etc.....Paragraphs 159-226

MUNICIPAL OFFICERS:

Acts concerning—Powers, duties, salaries, etcParagraphs 226-248

ELECTIONS:

Acts concerning municipal electionsParagraphs 249-438

FINANCE:

Acts concerning municipal bonds and warrants.....Paragraphs 439-538

TAXATION:

Acts concerning the levy and collection of municipal taxes.....Paragraphs 539-575

LOCAL IMPROVEMENTS:

Acts concerning special assessments and special taxation.....Paragraphs 576-686

DRAINAGE:

Acts concerning drains, levees, sewers, etc., within municipalities....Paragraphs 687-747

DRAMSHOPS:

Acts concerning the sale of liquor within municipalities.....Paragraphs 748-763

PARKS AND DRIVEWAYS:

Acts concerning parks, boulevards and driveways controlled by municipalities...
.....Paragraphs 764-784

SCHOOLS:

Acts concerning public schools within municipalities.....Paragraphs 785-856

WATER, HEAT AND LIGHT:

Acts concerning waterworks and heating and lighting plants.....Paragraphs 857-893

MISCELLANEOUS:

Unclassified laws relating to various subjects concerning municipalities.....
.....Paragraphs 894-1160

CONSTITUTIONAL PROVISIONS.

ARTICLE IV.

SPECIAL LEGISLATION PROHIBITED.

§ 22. The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for—

* * * * *

Changing the names of * * * places;

* * * * *

Vacating roads, town plats, streets, alleys, and public grounds;

* * * * *

Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables;

* * * * *

Incorporating cities, towns or villages, or changing or amending the charter of any town, city or village;

Providing for the election of members of the board of supervisors in townships, incorporated towns or cities.

PUBLIC MONEYS.

§ 23. The general assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any municipal corporation therein.

ARTICLE VIII.

EDUCATION.

§ 3. Neither the general assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian

denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State or any such public corporation, to any church, or for any sectarian purpose.

ARTICLE IX.

REVENUE.

§ 3. The property of the State, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

§ 4. The general assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive State and county taxes; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of some court of record.

§ 6. The general assembly shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

§ 9. The general assembly may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

§ 10. The general assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§ 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

§ 12. No county, city, township, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

ARTICLE XI.

CORPORATIONS.

§ 1. No law shall be passed by the general assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

LAWS RELATING TO CITIES, VILLAGES AND TOWNS.

GENERAL LAW OF 1872 FOR THE INCORPORATION OF CITIES AND VILLAGES. [PARAGRAPHS 1 TO 158.]

AN ACT to provide for the incorporation of cities and villages. [Approved April 10, 1872. In force July 1, 1872. L. 1871-2; p. 218.]

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:*

ARTICLE 1.

OF THE ORGANIZATION OF CITIES.

1. INCORPORATED CITIES MAY ADOPT THIS ACT.] § 1. That any city now existing in this State may become incorporated under this act in the manner following: Whenever one-eighth of the legal voters of such city voting at the last preceding municipal election shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question to a vote of the electors of said city at the next ensuing municipal election of said city, or at a special election to be designated by them, and to give the notice required by law. [As amended by act approved June 21, 1895; in force July 1, 1895. L. 1895, p. 97. § 1, ch. 24, R. S.]

2. NOTICE OF ELECTION.] § 2. The mayor of such city shall give at least 30 days notice of such election, by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward. [§ 2, ch. 24, R. S.]

3. BALLOT—RESULT.] § 3. The ballots to be used at such election shall be in the following form: "For city organization under general law," or "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act until their successors shall be elected and qualified. [§ 3, ch. 24, R. S.]

4. TOWNS MAY BECOME CITIES.] § 4. Any incorporated town or village, in this State, having a population of not less than one thousand (1,000) inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the mayor and council of cities. [As amended by act approved May 25, 1877. In force July 1, 1877. L. 1877, p. 54. § 4, ch. 24, R. S.]

5. ORGANIZING A CITY — PETITION — ELECTION — RESULT.] § 5. Whenever any area of contiguous territory in this State, not exceeding four square miles, shall have resident thereon a population of not less than 1,000 inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any 50 legal voters thereof may file in the office of the clerk of the county court, of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: *Provided*, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory described in such petition, shall be deemed to be incorporated as a city under this act, and with the name stated in the petition [§ 5, ch. 24, R. S.]

6. COURTS TO TAKE JUDICIAL NOTICE OF ORGANIZATION, ETC.] § 6. All courts in this State shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act; and from the time of such organization, or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or parts of laws, not inconsistent with the provisions of this act, shall

continue in force and applicable to any such city or village, the same as if such change of organization had not taken place. [§ 6, ch. 24, R. S.]

7. ELECTION OF OFFICERS.] § 7. It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least 20 days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket. [§ 7, ch. 24, R. S.]

8. COUNTY JUDGE TO CALL ELECTION.] § 8. In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns, shall call to his assistance two justices of the peace. [§ 8, ch. 24, R. S.]

9. TERM OF FIRST OFFICERS.] § 9. The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act. [§ 9, ch. 24, R. S.]

10. CORPORATE NAME—POWERS.] § 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred. [§ 10, ch. 24, R. S.]

11. PRIOR ORDINANCES TO CONTINUE IN FORCE.] § 11. All ordinances, resolutions and by-laws in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town. [§ 11, ch. 24, R. S.]

12. RIGHTS, ETC., OF OLD CORPORATIONS TO VEST IN NEW.] § 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act; but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind, shall be affected by

such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly. [§ 12, ch. 24, R. S.]

13. RESULT TO BE RECORDED IN COUNTY AND FILED WITH SECRETARY OF STATE—CHARTER.] § 13. The corporate authorities of any city or village which may become organized under this act, shall within three (3) months after organization hereunder, cause to be filed in the office of the recorder of deeds of the county in which such city or village is situated, a certified copy of the record of the county court or of the city or village in the matter of such organization showing the canvass of votes and the result of the election whereby such city or village became so organized, and the recorder of deeds shall record the same. And upon such record having been duly recorded by the recorder of deeds aforesaid, he shall immediately transmit the same to the Secretary of State together with his certificate of such recordation endorsed thereon or annexed thereto and it appearing from the recitals in said record that the provisions of this act have been duly complied with, the Secretary of State shall file the same and charter said city or village by his certificate duly authenticated under his hand and the great seal of State. The Secretary of State shall keep a register of cities and villages organized under the provisions of this act. [As amended by Act approved June 7, 1895. In force July 1, 1895; L. 1895, p. 96. § 13, ch. 24, R. S.]

14. CITY REGISTER'S OFFICE ABOLISHED.] § 14. If any city organized or which may hereafter organize under this act, shall have had by the terms and provisions of its special charter a city register's office or other office in which deeds, mortgages or other instruments were required or authorized by law to be recorded in lieu of recording the same in the recorder's office in the county where said city was situated, such city register's office or recorder's office shall be discontinued under this act, and the city register or recorder or other officer having the custody of the records, books and papers pertaining to such city register or recorder's office, shall deposit such records and books, and papers in the office of the recorder of deeds of the county, in which such city is situated, and shall take the receipt of the recorder of deeds therefor, and such records, and books, and papers, shall from thereafter, be deemed and held for all purposes a part of the records of the recorder's office of such county, and shall have like legal effect as if the same had been originally a part of the records of such county recorder's office for all purposes whatsoever, and the same or certified transcripts made therefrom, shall have like force and effect as evidence as other records of said recorder's office. [Added by amendment; act approved May 15, 1879. In force July 1, 1879. L. 1879, p. 65. § 13a, ch. 24, R. S.]

TO LEGALIZE CERTAIN ELECTIONS.

AN ACT to legalize certain elections held under "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872. [Approved and in force June 22, 1885. L. 1885, p. 61.]

15. CERTAIN ELECTIONS LEGALIZED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any city, town or village, since the amendment of section 1, article 1, of chapter 24, of the Revised Statutes, approved February 26, 1881, has held an election to incorporate as a village or city under the general laws, and such election has been held on some other day than the days in said section 1 of said statute provided, or if the returns of any election heretofore held to incorporate any city or village under the general law have not been entered upon the records of such city or village or the county court, showing the canvass of votes and the result of such election, and a certified copy of such records filed and recorded in the office of recorder of deeds, in the county in which such city or village is situated, and filed in the office of the Secretary of State; such elections so held by any such village, city or town, if in other respects in compliance with law, are hereby declared legal and valid: *Provided,* such returns of such elections are now or shall be made within three months from the date upon which this act becomes effective and certified copies of the same filed and recorded as required in section 13 of the act, to which this bill refers, and all elections of officers and organizations of any cities or villages in the State, under and by virtue of any such elections, if otherwise according to law, are hereby legalized and made effective, and all the acts of any such cities or villages, if otherwise legal, are also hereby made valid and binding. [§ 370, ch. 24, R. S.]

16. EMERGENCY.] § 2. WHEREAS, The election for city and village officers under said statute, will occur on the third Tuesday of April, wherefore an emergency exists, therefore this act shall be in force from and after its passage. [§ 371, ch. 24, R. S.]

TO LEGALIZE CERTAIN ELECTIONS.

AN ACT to legalize certain elections held under "An act to provide for the incorporation of cities and villages," approved April 10, 1872; in force July 1, 1872. [Approved and in force May 6, 1897. L. 1897, p. 98.]

17. CERTAIN ELECTIONS HELD SINCE THE AMENDMENTS TO SEC. 1, ART. 1, CHAP. 24, REVISED STATUTES, LEGALIZED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city, town or village since the amendment of section 1, article 1, chapter 24 of the revised statutes, approved February 26, 1881, and also since the amendment of section 13 of said chapter 24, approved June 27, 1895, has held an election to incorporate as a village or city under the general law, and such election has been held on some other day than the days in said section 1 of said statute provided, or if the returns of any election heretofore held to incorporate any city or village under the general law have not been entered upon the records of such city or village or the county court, showing the canvass of votes and the result of such

election, and a certified copy of such records filed and recorded in the office of the recorder of deeds in the county in which such city or village is situated and filed in the office of the Secretary of State, such elections so held by any such village, city or town, if in other respects in compliance with the law, are hereby declared legal and valid: *Provided*, such returns of such elections are now, or shall be, made within three months from the date upon which this act becomes effective, and certified copies of the same filed and recorded as required in section 13 as amended, to which this act refers, within said three months, and all elections of officers and organizations of any cities or villages in this State under and by virtue of any such elections if otherwise according to law, are hereby legalized and made effective, and all the acts of any such cities or villages, if otherwise legal, are also hereby made legal and binding; and upon the filing and recording as aforesaid, the Secretary of State shall charter said city or village by his certificate duly authenticated under his hand and the great seal of the State. [§ 13b, ch. 24, R. S.]

18. EMERGENCY.] § 2. WHEREAS, The election for city and village officers under said statute will occur on the third Tuesday of April, therefore an emergency exists, and this act shall be in force from and after its passage. [§ 13c, ch. 24, R. S.]

TO LEGALIZE CERTAIN ELECTIONS.

AN ACT to legalize certain elections held under "An act to provide for the incorporation of cities and villages." Approved April 10, 1872. In force July 1, 1872. [Approved and in force May 10, 1901. L. 1901, p. 99.]

19. TO LEGALIZE ELECTIONS HELD TO INCORPORATE AS A CITY OR VILLAGE IN CERTAIN CASES—CHARTER.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city, town or village has held an election to incorporate as a city or village under the general law, and the returns of such election have not been entered upon the records of such village, or of the county court, showing the canvass of votes, and the result of such election, and the canvass of votes and the result of the election for first officials, and a certified copy of such records, filed and recorded in the office of the recorder of deeds in the county in which such city or village is situated, and filed in the office of the Secretary of State, such elections so held by any such city, town or village are hereby declared legal and valid: *Provided*, such returns of such elections are now, or shall [be made] within six months from the date when this act becomes effective, and certified copies of the same are filed and recorded as required by section 13 of said act as amended, to which this act refers, within said six months, and all elections of officers and organization of any cities and villages in this State under and by virtue of any such elections, if otherwise according to law, are hereby legalized and made effective, and all the acts of said cities and villages are hereby legalized and made effective, and all the acts of any such cities or villages, if otherwise legal, are also hereby made legal and binding; and upon the filing and recording as aforesaid, the Secretary of State shall charter said city or village by his certificate duly authenticated under his hand and the great seal of the State. [§ 13d, ch. 24, R. S.]

20. EMERGENCY.] § 2. WHEREAS, The records of several cities and villages in this State are deficient in the particular set forth in section 1 of this act, and such cities and villages are without charter and warrant of law to do business, therefore an emergency exists, and this act shall be in force from and after its passage. [§ 13e, ch. 24, R. S.]

ARTICLE II.

OF THE MAYOR.

21. MAYOR—HIS QUALIFICATIONS.] § 1. The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified. [§ 14, ch. 24, R. S.]

22. VACANCY ONE YEAR OR OVER.] § 2. Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election. [§ 15, ch. 24, R. S.]

23. VACANCY LESS THAN YEAR.] § 3. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified. [§ 16, ch. 24, R. S.]

24. MAYOR PRO TEM.] § 4. During a temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor *pro tem.*, who, during such absence or disability, shall possess the powers of mayor. [§ 17, ch. 24, R. S.]

25. VACANCY BY REMOVAL FROM CITY.] § 5. If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant. [§ 18, ch. 24, R. S.]

26. MAYOR TO PRESIDE—CASTING VOTE.] § 6. The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote. [§ 19, ch. 24, R. S.]

27. WHEN HE MAY REMOVE OFFICERS.] § 7. The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds ($\frac{2}{3}$) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office.

No officer shall be removed a second time for the same offense. [As amended by act approved May 31, 1879. In force July 1, 1879. L. 1879, p. 66. § 20, ch. 24, R. S.]

28. HIS POWER TO KEEP PEACE.] § 8. He may exercise, within the city limits, the powers conferred upon sheriffs, to suppress disorder and keep the peace. [§ 21, ch. 24, R. S.]

29. RELEASE OF PRISONERS.] § 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter. [§ 22, ch. 24, R. S.]

30. GENERAL DUTIES.] § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed. [§ 23, ch. 24, R. S.]

31. POWER TO EXAMINE RECORDS, ETC.] § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employé or officer of the city. [§ 24, ch. 24, R. S.]

32. MESSAGES TO COUNCIL.] § 12. The mayor shall, annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient. [§ 25, ch. 24, R. S.]

33. TO CALL OUT MILITIA—RIOTS. § 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of 18 years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carry into effect any law or ordinance, subject to the authority of the Governor as commander-in-chief of the militia. [§ 26, ch. 24, R. S.]

34. MISCONDUCT, ETC., OF MAYOR OR OTHER OFFICER—PENALTY.] § 14. In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, misconduct or misfeasance in the discharge of the duties of his office he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding \$1,000; and the court in which such conviction shall be had shall enter an order removing such officer from office. [§ 27, ch. 24, R. S.]

35. REVISING ORDINANCES AFTER CHANGE OF ORGANIZATION.] § 15. He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council, for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury. [§ 28, ch. 24, R. S.]

ARTICLE III.

OF THE CITY COUNCIL.

36. COUNCIL—HOW COMPOSED.] § 1. The city council shall consist of the mayor and aldermen. [§ 29, ch. 24, R. S.

37. ALDERMEN.] § 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding 3,000 inhabitants, six aldermen; exceeding 3,000, but not exceeding 5,000, eight aldermen; exceeding 5,000 and not exceeding 10,000, ten aldermen; exceeding 10,000 and not exceeding 30,000, 14 aldermen; and two additional aldermen for every 20,000 inhabitants over 30,000. *Provided, however,* that in cities of over 350,000 inhabitants there shall be elected 48 aldermen and no more, unless additional territory shall be annexed to such city, after such city shall have been divided into wards on the basis of 48 aldermen, in which case and as often as new territory shall be annexed to such city, as aforesaid, containing three or more square miles of territory or 15,000 inhabitants and not exceeding 25,000 inhabitants, such annexed territory shall constitute a ward of such city, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such annexed territory, which said aldermen in such annexed territory shall be additional to said 48 aldermen, and who shall possess all the qualifications of, and be elected at the time and in the manner, provided in the said act, of which this is an amendment: *Provided,* that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for every fraction of 15,000 inhabitants or more. The number of inhabitants to be determined by the last preceding national, State or school census of such annexed territory. And if any such annexed territory has less than 15,000 inhabitants, and less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: *Provided, further,* that when the number of aldermen in any such city shall reach 70 by reason of such annexed territory, the city council shall redistrict said city into 35 new wards and no more; and when said number of aldermen shall reach 70, if any new territory is thereafter annexed which shall contain 25,000 inhabitants, or more, as determined by the last preceding national, State, school or other census authorized by law to be taken, then said city council shall redistrict said city into 35 wards: *Provided, further,* that whenever after such new territory shall have been annexed, as aforesaid, said city shall be redistricted, the number of wards at the time said city is redistricted, shall be preserved, and the city council thereof may, in its discretion, change the boundary between such new ward and the original territory of the city, and make said new ward larger or smaller, to comply with the requirements of said act as to compactness and equality of inhabitants: *And, provided further,* if it shall appear from any census heretofore or hereafter taken, that any city has the requisite number of inhabitants to authorize it to increase the num-

ber of aldermen, it shall be the duty of the city council thereof to proceed without delay and redistrict such city in accordance with the provisions hereof, and to call and hold its next city election in accordance with such new redistricting: *Provided*, that at such election the aldermen who hold over shall be considered aldermen for the new wards respectively in which their residence shall be, unless there shall be two or more aldermen who hold over in the same ward under this proviso, then, in such case, it shall be determined by lot in presence of the city council in such manner as they shall direct, which alderman shall hold over for such ward. [As amended by act approved and in force June 4, 1889. L. 1889, p. 78; § 30. ch. 24, R. S.]

38. TERM OF OFFICE.] § 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified. [§ 31, ch. 24 R. S.]

39. VACANCY.] § 4. If any vacancy shall occur in the office of alderman by death, resignation removal or otherwise, such vacancy shall be filled by election. [§ 32, ch. 24, R. S.]

40. QUALIFICATIONS OF ALDERMEN.] § 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms. [§ 33, ch. 24, R. S.]

41. COUNCIL JUDGE OF ITS MEMBERS.] § 6. The city council shall be judge of the election and qualification of its own members. [§ 34, ch. 24, R. S.]

42. RULES—EXPULSION—BRIBERY.] § 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elect, may expel a member, but not a second time for the same offense: *Provided*, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office. [§ 35, ch. 24, R. S.]

43. QUORUM—COMPELLING ATTENDANCE.] § 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance. [§ 36, ch. 24, R. S.]

44. MEETINGS.] § 9. The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called. [§ 37, ch. 24, R. S.

45. CHAIRMAN PRO TEM.] § 10. It may elect a temporary chairman in the absence of the mayor. [§ 38, ch. 24, R. S.

46. OPEN DOORS.] § 11. It shall sit with open doors. [§ 39, ch. 24, R. S.

47. JOURNAL.] § 12. It shall keep a journal of its own proceedings. [§ 40, ch. 24, R. S.

48. YEAS AND NAYS—RECORD—VOTE REQUIRED.] § 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition: *Provided*, it shall require two-thirds of all the aldermen elect to sell any city or school property. [§ 41, ch. 24, R. S.

49. RECONSIDERATION OF VOTE.] § 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken. [§ 42, ch. 24, R. S.

50. WHEN REPORT LAID OVER.] § 15. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two alderman present. [§ 43, ch. 24, R. S.

51. TERRITORIAL JURISDICTION.] § 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof. [§ 44, ch. 24, R. S.

52. SPECIAL MEETING.] § 17. The mayor or any three aldermen may call special meetings of the city council. [§ 45, ch. 24, R. S.

53. ORDINANCES—APPROVAL—VETO.] § 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly. [§ 46, ch. 24, R. S.

54. RECONSIDERATION—PASSING OVER VETO.] § 19. Upon the return of any ordinance by the mayor, the vote by which the same was

passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal. [§ 47, ch. 24, R. S.]

ARTICLE IV.

ELECTIONS.

55. ANNUAL ELECTION.] § 1. A general election for city officers shall be held on the third Tuesday of April, of each year: *Provided*, That in cities which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April. [As amended by act approved and in force March 9, 1877. L. 1877, p. 54; § 48, ch. 24, R. S.]

56. ELECTION OF MAYOR, CITY CLERK, ATTORNEY AND TREASURER.] § 2. At the general election held in 1877, and biennially thereafter, a mayor, a city clerk, a city attorney, and a city treasurer shall be elected in each city: *Provided*, That no person shall be elected to the office of city treasurer for two terms in succession. [As amended by act approved and in force March 26, 1877. L. 1877, p. 54; § 49, ch. 24, R. S.]

57. QUALIFICATION OF VOTERS.] § 3. All persons entitled to vote at any general election for State officers within any city or village, having resided therein 30 days next preceding thereto, may vote at any election for city or village officers. [§ 50, ch. 24, R. S.]

58. WARDS.] § 4. The city council of any city in this State, whether organized under this act or under any special law of this State, may, from time to time, divide the city into one-half as many wards as the total number of aldermen to which the city is entitled; and one alderman shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory, as practicable. [As amended by act approved June 17, 1887. In force July 1, 1887. L. 1887, p. 116; § 51, ch. 24, R. S.]

59. ALDERMEN AT FIRST ELECTION—CLASSIFIED.] § 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: those of the first class shall continue in office for one year, and those of the second for two years. And upon any increase of the number of aldermen, at their first election, one-half shall be elected for one year, and one-half for two years. [§ 52, ch. 24, R. S.]

60. MINORITY REPRESENTATION.] § 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time for adoption or rejection the

question of minority representation in the city council or legislative authority of such city. At the said election the ballot shall be in the following form: "For minority representation in the city council," or "against minority representation in the city council," and at any subsequent time on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: *Provided*, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for equal representation in the city council, then the members of the city council, or legislative authority of such city, shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city by dividing the population thereof, as ascertained by the last federal census, by any number not less than two, nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain as near as practicable, an equal number of inhabitants: *and, provided, further*, that where said council or legislative authority of such city have not fixed a ratio of representation and formed the districts or wards, at the time above specified, the same may be done by any subsequent board of aldermen; but all official acts heretofore done, and ordinances heretofore passed by any board of aldermen elected at large by the legal electors of any such city on the minority representation plan, shall be held and taken by all courts in this State to be of as much validity and binding force as if they had been elected from wards or districts. [As amended by act approved and in force April 1, 1883. L. 1883, p. 56; § 53, ch. 24, R. S.

61. ALDERMEN UNDER MINORITY PLAN.] § 7. Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified. At the first general election for mayor, after the passage of this act, and every two years thereafter, there shall be elected in each ward as many aldermen as such ward shall be entitled to: *Provided*, that aldermen elected under this act, in wards wherein aldermen were elected for two years at the last previous annual election, shall not take their seats as such until the terms of the aldermen last aforesaid shall expire. Vacancies shall be filled at an election to be held by the voters of the district in which such vacancies shall occur, at the time to be designated by the city council. In all elections for aldermen aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same or equal parts thereof, among the candidates, as he shall see

fit, and the candidate highest in votes shall be declared elected. [As amended by act approved and in force April 1, 1883. L. 1883, p. 57. § 54, ch. 24, R. S.]

62. ALDERMEN WHEN MINORITY PLAN NOT ADOPTED.] § 8. If a majority of the votes cast at such election shall be "Against minority representation in the city council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act. [§ 55, ch. 24, R. S.]

63. PLACE OF ELECTION—NOTICE.] § 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least 20 days prior to such election. [§ 56, ch. 24, R. S.]

64. CONDUCT OF ELECTIONS.] § 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this State. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general State elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals, [§ 57, ch. 24, R. S.]

65. RESULT—TIE.] § 11. The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in presence of the city council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office. [§ 58, ch. 24, R. S.]

66. NOTICE TO PERSONS ELECTED OR APPOINTED.] § 12. It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant. [§ 59, ch. 24, R. S.]

67. WHEN NO QUORUM IN COUNCIL—SPECIAL ELECTION.] § 13. If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof. [§ 60, ch. 24, R. S.]

68. SPECIAL ELECTIONS.] § 14. If there is a failure to elect any officer herein required to be elected, or the person elected should fail to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages. [§ 61, ch. 24, R. S.

ARTICLE V.

OF THE POWERS OF THE CITY COUNCIL.

69. SECTION 1. The city council in cities, and president and the board of trustees in villages, shall have the following powers:

First—To control the finances and property of the corporation.

Second—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third—To levy and collect taxes for general and special purposes on real and personal property.

Fourth—To fix the amount, terms and manner of issuing and revoking licenses.

Fifth—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for the State and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within 20 years after contracting the same.

Sixth—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

Seventh—To lay out, to establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

Eighth—To plant trees upon the same.

Ninth—To regulate the use of the same.

Tenth—To prevent and remove encroachments or obstructions upon the same.

Eleventh—To provide for the lighting of the same.

Twelfth—To provide for the cleansing of the same.

Thirteenth—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided, however*, that any company heretofore organized under the general laws of this State, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this State, subject to such regulations as any such city or village may by ordinance impose.

Fourteenth—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupants of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

Fifteenth—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley, or public ground.

Sixteenth—To provide for and regulate crosswalks, curbs and gutters.

Seventeenth—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting hand bills and advertisements.

Eighteenth—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or hand bills in the streets or public grounds, or upon the sidewalks.

Nineteenth—To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

Twentieth—To regulate traffic and sales upon the streets, sidewalks and public places.

Twenty-first—To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

Twenty-second—To regulate the numbering of houses and lots.

Twenty-third—To name and change the name of any street, avenue, alley, or other public place.

Twenty-fourth—To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than 20 years.

Twenty-fifth—To provide for and change the location, grade and crossings of any railroad.

Twenty-sixth—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be

liable for all damages the owner of any cattle or horses or other domestic animal may sustain by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this State, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

Twenty-seventh—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroads to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks so that filthy or stagnant pools of water can not stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Twenty-eighth—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Twenty-ninth—To construct and keep in repair culverts, drains, sewers and cess pools and to regulate the use thereof.

Thirtieth—To deepen, widen, dock, cover, wall, alter or change channel of water courses.

Thirty-first—To construct and keep in repair canals and slips for the accommodation of commerce.

Thirty-second—To erect and keep in repair public landing places, wharves, docks and levees.

Thirty-third—To regulate and control the use of public and private landing places, wharves, docks and levees.

Thirty-fourth—To control and regulate the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Thirty-fifth—To license, regulate and prohibit wharf-boats, tugs and other boats used about the harbor, or within such jurisdiction.

Thirty-sixth—To fix the rate of wharfage and dockage.

Thirty-seventh—To collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levees within the limits of the corporation.

Thirty-eighth—To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges.

Thirty-ninth—To appoint harbor masters and define their duties.

Fortieth—To provide for the cleansing and purification of waters, water-courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

Forty-first—To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Forty-second—To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

Forty-third—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

Forty-fourth—To license, regulate, tax or prohibit and suppress billiards, bagatelle, pigeon-hole or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys.

Forty-fifth—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices, for the purpose of gaining or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

Forty-sixth—To license, regulate and prohibit the selling or giving away of any intoxicating malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: *Provided*, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further*, that in granting licenses, such corporate authorities shall comply with whatever general law of the State may be in force relative to the granting of licenses.

Forty-seventh—The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

Forty-eighth—And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating malt, vinous, mixed or fermented liquor to any minor, apprentice or servant or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

Forty-ninth—To establish markets and market houses, and provide for the regulation and use thereof.

Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

Fifty-first—To prevent and punish forestalling and regrating.

Fifty-second—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

Fifty-third—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

Fifty-fourth—To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise.

Fifty-fifth—To provide for the inspection and sealing of weights and measures.

Fifty-sixth—To enforce the keeping and use of proper weights and measures by vendors.

Fifty-seventh—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Fifty-eighth—To regulate places of amusement,

Fifty-ninth—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

Sixtieth—To regulate partition fences and party walls.

Sixty-first—To prescribe the thickness, strength, and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

Sixty-second—The city council, and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed, or repaired, without permission, and to direct that all and any buildings, within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of 50 per cent of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Sixty-third—To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition.

Sixty-fourth—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

Sixty-fifth—To regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fireworks, firecrackers, torpedoes, Roman candles, sky-rockets and other pyrotechnic displays.

Sixty-sixth—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Sixty-seventh—To provide for the inspection of steam boilers.

Sixty-eighth—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

Sixty-ninth—To establish and erect calaboooses, bridewells, houses of correction and workhouses for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Seventieth—To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

Seventy-first—To provide by ordinance in regard to the relation between all the officers and employes of the corporation in respect to each other, the corporation and the people.

Seventy-second—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place.

Seventy-third—To prohibit and punish cruelty to animals.

Seventy-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Seventy-fifth—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth—To appoint a board of health, and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

Eightieth—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

Eighty-first—To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and foundries within the limits of the city or village.

Eighty-third—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Eighty-fourth—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and to regulate the location thereof.

Eighty-fifth—The city council or trustees of a village shall have power to provide for the taking of the city or village census: but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

Eighty-sixth—To provide for the erection and care of all public buildings necessary for the use of the city or village.

Eighty-seventh—To establish ferries, toll bridges, and license and regulate the same, and from time to time fix tolls thereon.

Eighty-eighth—To authorize the construction of mills, mill-races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Eighty-ninth—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

Ninetieth—The city council or board of trustees shall have no power to grant the use of or the right to lay down any railroad tracks in any street of the city to any steam, dummy, electric, cable, horse or other railroad company, whether the same shall be incorporated under any general or special law of the State, now or hereafter in force, except upon the petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes, and when the street or part thereof sought to be used shall be more than one mile in extent, no petition of land owners shall be valid unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and of the fraction of a mile if any in excess of the whole miles measuring from the initial point named in such petition, of such street or of the part thereof sought to be used for railroad purposes.

Ninety-first—To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

Ninety-second—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Ninety-third—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

Ninety-fourth—To provide by ordinance that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract let to the lowest bidder.

Ninety-fifth—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

Ninety-sixth—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed \$200.00, and no imprisonment shall exceed six months for one offense. [As amended by act approved and in force March 30, 1887. L. 1887, p. 108; § 62, ch. 24, R. S.]

70. EMERGENCY.] § 2. Whereas, some question exists as to the necessity of a petition signed by the property owners to authorize the granting to companies organized under what is known as the Horse and Dummy Act, the right to use streets; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage. [As amended by act approved and in force March 30, 1887. L. 1887, p. 115; § 62½, ch. 24, R. S.]

ORDINANCES—JURISDICTION.

71. STYLE OF ORDINANCES.] § 2. The style of the ordinances in cities shall be: "Be it ordained by the city council of....." [§ 63, ch. 24, R. S.]

72. PUBLICATION OF ORDINANCES—WHEN TAKE EFFECT.] § 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein. [§ 64, ch. 24, R. S.]

73. PROOF OF ORDINANCES.] § 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof. [§ 65, ch. 24, R. S.]

74. SUITS FOR VIOLATING ORDINANCES. § 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate. [§ 66, ch. 24, R. S.]

75. FINES AND LICENSES—PAID TO TREASURER.] § 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance. [§ 67, ch. 24, R. S.]

76. SUMMONS—AFFIDAVIT—PUNISHMENT.] § 7. In all actions for the violation of any ordinance, the first process shall be a summons: *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, workhouse, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: *Provided,* that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, workhouse, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day; and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost. [§ 68, ch. 24, R. S.]

77. JURISDICTION OF JUSTICES, ETC.] § 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof. [§ 69, ch. 24, R. S.]

78. CONSTABLE OR SHERIFF MAY SERVE PROCESS, ETC.] § 9. Any constable or sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer. [§ 70 ch. 24, R. S.]

79. JURISDICTION OVER WATERS—STREET LABOR.] § 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the State; and may, by ordinance, require every able-bodied male in-

habitant of such city or village, above the age of 21 years and under the age of 50 years, (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of such city or village, not more than three days in each year, but such ordinance shall provide for commutation of such labor at not more than \$150 per day. [As amended by act approved April 10, 1875. In force July 1, 1875. L. 1875, p. 62; § 71, ch. 24, R. S.]

ARTICLE VI.

OFFICERS—THEIR POWERS AND DUTIES.

80. ELECTIVE OFFICERS.] § 1. There shall be elected, in all cities organized under this act, the following officers, viz.: a mayor, a city council, a city clerk, city attorney, and a city treasurer. [§ 72, ch. 24, R. S.]

81. OTHER OFFICERS—DUTIES OF CITY MARSHAL.] § 2. The city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law and under the statutes of this State. [§ 73, ch. 24, R. S.]

82. APPOINTMENTS — VACANCIES — DUTIES — POWERS.] § 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment) by and with the advice and consent of the city council. The city council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years. [§ 74, ch. 24, R. S.]

83. OATH—BOND.] § 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the clerk. And all such officers, except aldermen and trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided, however*, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000); nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer.) [§ 75, ch. 24, R. S.]

84. COMMISSION—CERTIFICATE—DELIVERY TO SUCCESSORS.] § 5. All officers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees,) shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed. [§ 76, ch. 24, R. S.]

85. QUALIFICATION OF OFFICERS.] § 6. No person shall be eligible to any office who is not a qualified elector of the city or village and who shall not have resided therein at least one year next preceding his election or appointment. Nor shall any person be eligible to any office who is a defaulter to the corporation: *Provided, however*, this shall not apply to the appointment or election of city engineer in incorporated cities and villages: *And provided*, that the same shall not apply to appointment of attorneys in incorporated villages, if such appointee be not a defaulter to the corporation. [As amended by act approved June 21, 1895. In force July 1, 1895. L. 1895, p. 96. [§ 77, ch. 24, R. S.]

86. NOT INTERESTED IN CONTRACTS, ETC.] § 7. No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation. [§ 78, ch. 24, R. S.]

87. BRIBERY—PENALTY.] § 8. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part,

to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. [§ 79, ch. 24, R. S.]

88. MAYOR, ETC., NOT TO HOLD OTHER OFFICE.] § 9. No mayor, alderman, city clerk, or treasurer, shall hold any other office under the city government during his term of office. [§ 80, ch. 24, R. S.]

89. DUTIES OF CLERK.] § 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals, and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. [§ 81, ch. 24, R. S.]

90. RECORD OF ORDINANCES.] § 11. The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever. [§ 82, ch. 24, R. S.]

91. CONSERVATORS OF THE PEACE—POWERS OF.] § 12. The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen in cities, if any such be appointed,

shall be conservators of the peace, and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the State, commit for examination and, if necessary, detain such persons in custody over night or Sunday in the watch house or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers as conservators of the peace as the city council or board of trustees may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of any such city or village by any policeman of such city or village; such policemen being hereby clothed with all the common law and statutory power of constables for such purposes. [As amended by act approved June 14, 1883. In force July 1, 1883. L. 1883, p. 58; § 83, ch. 24, R. S.]

92. COMPENSATION OF MAYOR.] § 13. The mayor of any city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office. [§ 84, ch. 24, R. S.]

93. COMPENSATION OF ALDERMEN AND TRUSTEES.] § 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by the ordinances: *Provided, however,* that in cities of less than 350,000 inhabitants such compensation shall not exceed the sum of \$3 to each alderman for each meeting of the city council or board of trustees actually attended by him; in cities of more than 350,000 inhabitants such compensation shall not exceed the sum of \$1,500 per annum for each alderman, and in villages the compensation to trustees shall not exceed the sum of \$1.50 for each meeting of the board of trustees actually attended by such trustees. No other salary or compensation shall be allowed any alderman or trustee: *Provided, further,* that this act shall apply to all cities, towns and villages in this State whether incorporated under a general or special law, and that in all such villages and incorporated towns the trustees thereof shall receive compensation for not more than one meeting in each week. [As amended by act approved and in force May 26, 1897. L. 1897, p. 94; § 85, ch. 24, R. S.]

94. COMPENSATION OF OTHER OFFICERS.] § 15. All other officers may receive a salary, fees or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him. [§ 86, ch. 24 R. S.]

95. ADMINISTERING OATHS.] § 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions. [§ 87, ch. 24, R. S.]

ARTICLE VII.

OF FINANCE.

96. FISCAL YEAR.] § 1. The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance. [§ 88, ch. 24, R. S.

97. ANNUAL APPROPRIATION ORDINANCE.] § 2. The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor. [§ 89, ch. 24, R. S.

98. LIMITATION—EMERGENCY—BORROWING MONEY.] § 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided, however,* that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner be added to the amount authorized to be raised in the general tax levy of the next year, and embraced there. [§ 90, ch. 24, R. S.

99. CONTRACTING LIABILITIES LIMITED.] § 4. No contract shall be hereafter made by the city council or board of trustees, or any member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided. [§ 91, ch. 24, R. S.]

100. DUTIES OF TREASURER.] § 5. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees. [§ 92, ch. 24, R. S.]

101. SEPARATE ACCOUNTS.] § 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto. [§ 93, ch. 24, R. S.]

102. RECEIPTS.] § 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports. [§ 94, ch. 24, R. S.]

103. MONTHLY STATEMENTS—WARRANTS—VOUCHERS—REGISTER.] § 8. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance (under oath,) showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid. [§ 95, ch. 24, R. S.]

104. DEPOSIT OF FUNDS—SEPARATE FROM HIS.] § 9. The treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however,* no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be

levied, by the corporation. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed. [§ 96, ch. 24, R. S.]

105. TREASURER'S ANNUAL REPORT—PUBLICATION.] § 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office. [§ 97, ch. 24, R. S.]

106. WARRANTS.] § 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided. [§ 98, ch. 24, R. S.]

107. SPECIAL ASSESSMENT FUNDS KEPT SEPARATE.] § 12. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement. [§ 99, ch. 24, R. S.]

CITY COLLECTOR.

108. HIS DUTIES.] § 13. It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, and oftener if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time, or on demand, give such tax collector a copy of any such receipt so filed. [§ 100, ch. 24, R. S.]

109. HE SHALL REPORT, ETC.—PUBLICATION.] § 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer. [§ 101, ch. 24, R. S.]

110. NOT TO DETAIN MONEY—PENALTY.] § 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision will subject him to immediate removal from office. [§ 102, ch. 24, R. S.]

111. EXAMINATION OF HIS BOOKS—PAYING OVER.] § 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member of the city council; and the collector shall every two weeks, or oftener if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk. [§ 103, ch. 24, R. S.]

CITY COMPTROLLER.

112. HIS POWERS AND DUTIES.] § 17. The city comptroller (if there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the 15th of May, in each year, and before the annual appropriations to be made by the city council or the board of trustees, submit to the city council or board of trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made

and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year. [§ 104, ch. 24, R. S.]

113. COUNCIL MAY DEFINE THE DUTIES—TRANSFER OF CLERK'S FINANCIAL DUTIES.] § 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of the city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk" is used, it shall be held to mean "comptroller;" and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office." [§ 105, ch. 24, R. S.]

114. RECORD OF BONDS ISSUED BY CITY.] § 19. The comptroller, when there shall be a comptroller, and if not, then the clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof. [§ 106, ch. 24, R. S.]

GENERAL PROVISIONS.

115. FURTHER DUTIES MAY BE REQUIRED.] § 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish. [§ 107, ch. 24, R. S.]

116. APPEAL TO FINANCE COMMITTEE.] § 21. In the adjustment of the accounts of the collector or treasurer with the clerk (or comptroller if there shall be one) there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide. [§ 108, ch. 24, R. S.]

117. WHO MAY APPOINT SUBORDINATES.] § 22. The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them. [§ 109, ch. 24, R. S.

118. FOREIGN INSURANCE COMPANIES—LICENSE, ETC.—PENALTIES.] § 23. All corporations, companies or associations not incorporated under the laws of this State, engaged in any city in effecting fire insurance, shall pay to the treasurer the sum of \$2 upon the \$100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies or associations, respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the 15th day of July and January, in each year, render to the comptroller (if any there be, if not, to the clerk,) a full, true and just account, verified by his oath, of all premiums which during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires. [§ 110, Ch. 24, R. S.

ARTICLE VIII.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

119. ORDINANCE OF LEVYING TAX—LIMITATION.] § 1. The city council in cities and boards of trustees in villages may levy and collect taxes for corporate purposes in the manner following: The city council or boards of trustees, as the case may be, shall, annually, on or before the third (3d) Tuesday in September in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year; and by an ordinance specifying in detail the purposes for which such appropriations are made and the sum or amount appropriated for each purpose respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village as the same is assessed and equalized for State and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent which, upon the total valuation of all property subject to taxation within the city or village as the same is assessed and equalized for State and county purposes, will produce a net amount of not less than the amount so directed to be levied, and it shall be the duty of the county clerk to extend such tax in a separate column upon the book or books of the collector or collectors of State and county taxes within such city or village. And where the corporate limits of any city or village shall lie partly in two or more counties, the city council or board of trustees shall ascertain the total amount of all taxable property lying within the corporate limits of said city or village in each county as the same is assessed and equalized for State and county purposes for the current year, and certify the amount of taxable property in each county within said city or village, under the seal of said city or village, to the county clerk of the county where the seat of government of such city or village is situated, whose duty it shall be to ascertain the rate per cent which, upon the total valuation of all property subject to taxation within the city or village, ascertained as aforesaid, will produce a net amount not less than the amount so directed to be levied; and said clerk shall, as soon as said rate per cent of taxation is ascertained, certify under his hand and seal of office to the county clerk of any other county wherein a portion of said city or village is situate, such rate per cent, and it shall be the duty of such county clerk to whom such rate per cent is certified to extend such tax in a separate column upon the book or books of the collector or collectors of the State and county taxes for such county against all property in his county within the limits of said city or village: *Provided*, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness or interest thereon, shall not exceed the rate of two (2) per centum upon the aggregate valuation of all property within such city or village subject to taxation therein, as the same was equalized for State and county taxes for the current year.

And, provided further, that nothing herein contained shall be held to repeal or modify the limitations contained in section 49 of an act entitled, "An act for the assessment of property and providing the means therefor, and to repeal a certain act therein named, approved Feb. 25, 1898." [As amended by act approved April 22, 1899. In force July 1, 1899, L. 1899, p. 92; § 111. ch. 24, R. S.]

120. MANNER OF COLLECTING.] § 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village. [§ 112, ch. 24, R. S.]

121. TIME OF PAYING OVER.] § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over. [§ 113, ch. 24, R. S.]

122. WHEN TAX LEVIED FOR PARTICULAR PURPOSE.] § 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged. [§ 114, ch. 24, R. S.]

123. UNIFORMITY.] § 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the constitution and general laws of the State. [§ 115, ch. 24, R. S.]

ARTICLE IX.

*SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

The following is section 16 of the original Article IX, which is supposed not to be repealed by implication:

124. WHEN IMPROVEMENT MADE BY GENERAL TAX.] § 16. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village. [§ 116, ch. 24, R. S.]

*For acts relating to special assessments for local improvements, see paragraph 576 *et seq.*

ARTICLE X.

(MISCELLANEOUS PROVISIONS)—WATER.

125. WATER—BORROW MONEY.] § 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and to regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding 30 years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works. [§ 169, ch. 24, R. S.]

126. ACQUIRING PROPERTY FOR WATER WORKS—JURISDICTION OVER.] § 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend. [§ 170, ch. 24, R. S.]

127. REGULATIONS—RATES, TAXATION, ETC.] § 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, [whether] the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor. [§ 171, ch. 24, R. S.]

128. TAX-PAYER MAY ENFORCE RIGHTS IN NAME OF CITY, ETC.] § 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or

for any money which may [have] been paid, expended, or released without authority of law: *Provided*, that such tax-payer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly. [§ 172, ch. 24, R. S.]

129. MAPS—APPROVAL OF.] § 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or to some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved. [§ 173, ch. 24, R. S.]

130. INHABITANTS COMPETENT AS JURORS, ETC.] § 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest. [§ 174, ch. 24, R. S.]

131. POPULATION—CENSUS.] § 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this State, or of such city or village; and it shall be the duty of the Secretary of State, upon the publication of any State or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this State shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, state, city or village census so taken. [§ 175, ch. 24, R. S.]

132. MUNICIPAL YEAR.] § 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual elections unless otherwise provided by ordinance. [§ 176, ch. 24, R. S.]

133. CITY OR VILLAGE NEED NOT GIVE APPEAL BOND.] § 9. When in any suit the city or village prays an appeal from the judgment of any court of this State to a higher court, it shall not be required to furnish an appeal bond. [§ 177, ch. 24, R. S.]

ARTICLE XI.

OF THE ORGANIZATION OF VILLAGES.

134. BY INCORPORATED TOWNS.] § 1. Any town in this State incorporated, either under any general law for the incorporation of towns and acts amendatory thereof, or under any special act for the incorporation of any town or village, or any town which may be or-

ganized out of territory which may be disconnected from any incorporated town under the provisions of an act entitled "An act to provide for the division of incorporated towns," may become organized as a village under this act in the manner following: Whenever any 30 voters in such town shall petition the corporate authorities thereof to submit the question whether such town will become organized as a village under this act, to the decision of the legal voters thereof, it shall be the duty of such corporate authorities to submit the same accordingly and to fix a time and place within such town for holding such election and to appoint the judges to hold such election, and to give notice of the time, place and purpose of such election by causing at least five notices thereof to be posted in public places in such town for at least 15 days prior to holding such election. [As amended by act approved June 18, 1891. In force July 1, 1891. L. 1891, p. 79; § 178, ch. 24, R. S.]

135. BALLOT.] § 2. Each qualified voter, resident within such town or proposed village, shall have the right to cast a ballot at such election, with the words thereon, "For village organization under the general law," or "Against village organization under the general law." [§ 179, ch. 24, R. S.]

136. RETURNS—CANVASS—RECORD.] § 3. The judges of such election shall make returns thereof to the president and trustees of the town, as soon as practicable after such election is held; and it shall be the duty of the president and trustees to canvass such returns, and cause a statement of the result of such election to be entered upon the records of the town.* [§ 180, ch. 24, R. S.]

137. RESULT—OLD OFFICERS CONTINUE UNTIL, ETC.] § 4. If a majority of the votes cast at such election are for village organization under the general law, such town shall, from thenceforth, be deemed to be duly incorporated as a village under this act; but the town officers then in office shall continue as like officers of such village until their successors shall be elected or appointed under the provisions of this act. [§ 181, ch. 24, R. S.]

138. NEW ORGANIZATION—HOW EFFECTED.] § 5. Whenever any area of contiguous territory, not exceeding two square miles, shall have resident thereon a population of at least three hundred inhabitants, and which territory is not included within the limits of any incorporated town, village or city, the same may become incorporated as a village, under this act, in the manner following: Any thirty legal voters resident within the limits of such proposed village may petition the county judge of the county in which they reside, to cause the question to be submitted to the legal voters of such proposed village, whether they will organize as a village under this act. And if the territory described in said petition shall be situated in more than one county, then the petition shall be addressed to the judge of the county court of the county where a greater part of such territory is situated. Such petition shall be addressed to the county judge,

* For recording and filing transcript of such record with the recorder of deeds and with the Secretary of State, see § 12, art. 1, page 12.

contain a definite description of the lands intended to be embraced in such village, the number of inhabitants resident therein, and the name of such proposed village. [§ 182, ch. 24, R. S.]

139. PETITION—ELECTION—RETURNS.] § 6. Upon the filing such petition in the office of the county clerk, it shall be the duty of such judge to perform the same duties in reference to fixing the time and place of such election, giving notice appointing judges thereof, as is above required to be performed by the president and trustees in towns already incorporated. The returns of such election shall be made to the county judge, who shall call to his assistance any two justices of the peace, and canvass such returns, and cause a statement of the result of such election to be entered upon the records of the county court.* The second section of this article shall be applicable to such election. [§ 183, ch. 24, R. S.]

140. RESULT—ELECTION OF OFFICERS, ETC.] § 7. If a majority of the votes cast at such election is for village organization under the general law, such proposed village, with the boundaries and name mentioned in the petition, shall, from thenceforth, be deemed an organized village under this act, and the county judge shall, thereupon, call, and fix the time and place of an election to elect village officers, and cause notice thereof to be posted or published, and perform all other acts in reference to such election, in like manner, as nearly as may be, as he is required to perform in reference to the election of officers in newly organized cities. But the term of office of trustees elected at such election shall terminate as soon as their successors are elected and qualified, at the regular annual election. [§ 184, ch. 24, R. S.]

141. TRUSTEES—CORPORATE NAME—POWERS.] § 8. In each village organized under this act, there shall be elected by the qualified electors therein six trustees, who shall hold their office until their successors are elected and qualified. At the first election held hereafter there shall be elected the full number of trustees. At the first meeting of the board of trustees held after said first election, the trustees elected shall be divided by lot into two classes; those of the first class shall continue in office for one year, and those of the second for two years from the date of the annual election for that municipal year, and annually thereafter there shall be elected three trustees, who shall hold their office for the term of two years, and until their successors are elected and qualified. The trustees shall choose one of their own number president; and such village shall from the time of the first election held by it under said act be considered in law and equity, a body corporate and politic, by the name and style of "The village of" and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a common seal and alter the same at pleasure, and possess all other powers as a corporation in this act conferred upon cities not exceeding five thousand inhabitants, except as herein otherwise expressly provided. And wherever the words "city council" or "mayor" occur in this act

* For recording and filing transcript of such record with the recorder of deeds and with the Secretary of State, see § 13, art. 1, page 13.

the same shall be held to apply to the trustees and president of such village, so far as the same may be applicable. [As amended by act approved May 28, 1879, in force July 1, 1879. L. 1879, p. 67; § 185, ch. 24, R. S.]

142. POWERS AND DUTIES OF PRESIDENT AND TRUSTEES.] § 9. The president of the board of trustees shall perform the duties and exercise the powers conferred upon the mayor of a city, and shall receive as compensation therefor a salary to be fixed by the board of trustees, which salary shall in no case exceed two thousand dollars (\$2,000) per annum; and the trustees shall perform the duties and exercise all the powers conferred upon aldermen in cities; and the president and board of trustees may exercise the same powers conferred upon the mayor and city council of cities, and pass ordinances in like manner. The president of the board of trustees may exercise the same veto powers, and with like effect, as the mayor of a city, and the board of trustees may pass ordinances over such veto in like manner as a city council. [As amended by act approved and in force May 22, 1889. L. 1889, p. 84; § 186, ch. 24, R. S.]

143. STYLE OF ORDINANCES.] § 10. The style of ordinances passed in villages shall be as follows: "Be it ordained by the President and Board of Trustees of the Village of," (as the case may be). [§ 187, ch. 24, R. S.]

144. APPOINTMENT OF OFFICERS—PRESCRIBE DUTIES AND FEES.] § 11. The president and board of trustees may appoint a clerk *pro tempore*, and whenever necessary to fill vacancies; and may also appoint a treasurer, one or more street commissioners, a village constable, and such other officers as may be necessary to carry into effect the powers conferred upon villages, to prescribe their duties and fees, and require such officers to execute bonds as may be prescribed by ordinances.* [§ 188, ch. 24, R. S.]

145. POWERS OF CONSTABLE.] [§ 12. The village constable shall have the same powers to make arrests, execute process, and perform other official acts as other constables under the general laws of the State, together with such other powers as may be conferred on him by ordinance.* [§ 189, ch. 24, R. S.]

146. ANNUAL ELECTIONS.] § 13. An annual election for three trustees, and a clerk of villages shall be held on the third Tuesday of April in each year: *Provided*, that in villages, the territorial limits of which coincide with the territorial limits of any township, an election for trustees, and a clerk of villages, shall be held at the same time, and at the same polling places as the annual township election, to-wit: On the first Tuesday of April in each year. Special elections may be held, under such regulations as may be provided by ordinance, to fill vacancies, and for other purposes. [As amended by act approved and in force March 11, 1881, L. 1881, p. 59. § 190, ch. 24, R. S.]

* So much of §§ 11 and 12 as relate to the appointment of constables was declared unconstitutional by the Supreme Court in *People ex rel. vs. Bollam*, 182 Ill., p. 528.

147. SUITS—JURISDICTION—FINES, ETC.] § 14. Suits and prosecutions for the violations of any village ordinance may be prosecuted in the name of "The Village of," and justices of the peace and police magistrates shall have jurisdiction over such suits; and all fines and money so collected shall be paid into the village treasury. [§ 191, ch. 24, R. S.]

148. POLICE MAGISTRATES.] § 15. There may be a police magistrate elected at a regular annual election in each village, who shall give bonds, qualify, and have the same jurisdiction as other justices of the peace, and hold his office for four years, and until his successor is elected and qualified. [§ 192, ch. 24, R. S.]

149. NO INCORPORATION ALLOWED UNDER FORMER LAWS.] § 16. After the taking effect of this act, no town or city shall become incorporated under any other general law then in force for the incorporation of towns or cities. [§ 193, ch. 24, R. S.]

150. CHANGING FROM CITY TO VILLAGE.] § That it shall be the duty of the mayor and common council of any city, upon the petition of one-fourth of the legal voters thereof, and upon ten days previous notice of such application by the city clerk published in some newspaper printed in said city, or by posting such notices in five of the most public places within said city, for said period in case no such newspaper is printed in said city, to fix the time and call an election to decide whether said city shall be organized into a village. That said election shall be governed by the provisions of sections fifty (50), fifty-six (56) and fifty-seven (57) of said act, and the legal voters at said election shall vote for or against the organization of said city into a village, and the ticket shall be written or printed "*For Village Organization*," or "*Against Village Organization*," and if there shall be a majority of the votes cast at said election in favor of the organization of said city into a village, then said city shall be a village within the meaning of said act under its former name so changed, and shall succeed to all the rights and be liable for all the debts and legal liabilities of said city, and the mayor of said city shall, within ten days after said election, give notice of the time and place for the election of trustees as near as may be, as provided for under section one hundred and eighty-four (184) and one hundred and eighty-five (185) of said act, who shall hold their offices until the next regular election. *Provided*, that after one election shall have taken place, no other election for a like purpose until one year shall have elapsed. [This section added to the above act by amendment approved May 29, 1879. In force July 1, 1879. L. 1879, p. 68; § 193a, ch. 24, R. S.]

THE ORGANIZATION OF VILLAGE FROM A VILLAGE.

AN ACT amending an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and amendments thereto, by adding thereto sections to be numbered 18, 19, 20, 21, 22 and 23. [Approved April 8, 1901. In force July 1, 1901. L. 1901, p. 119.]

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That Article XI, of an act entitled "An act to provide for the incorporation of cities and vil-

lages," approved April 10, 1872, in force July 1, 1872, and all amendments thereto, be, and the same is hereby, amended by adding thereto the following sections, numbered 18, 19, 20, 21, 22 and 23, to-wit:

151. BY PART OF VILLAGE OR INCORPORATED TOWN.] § 18 Any part of any village or incorporated town in this State, lying upon the border thereof, and having a population of not less than three hundred (300) inhabitants, may become organized as a village under this act in the manner following:

A petition shall be presented to the judge of the county court of the county wherein such village or incorporated town is located, asking that the question of organizing such a part of said village or incorporated town into a village under this act, be submitted to the legal voters of the said city, village or incorporated town.

Such petition shall clearly define the boundary of the territory proposed to be organized as a village under this act, shall state the population thereof, and the name proposed for the village to be organized therefrom, and shall be signed by not less than thirty (30) of the legal voters residing within the limits of the territory proposed to be organized into a village under this act, providing that if the votes cast by the voters residing within the limits of said territory at the last preceding election numbered more than three hundred (300), then in that case the petition shall be signed by legal voters residing within the said territory, numbering not less than one-tenth of the number of votes cast within said territory at the last preceding general or municipal election.

Thereupon said judge of the county court shall cause to be submitted to the voters of such village or incorporated town, at an election to be held therein, the question of organizing the territory described in said petition into a village under this act. Such question may be submitted at either a special election called for the purpose, or at any municipal election, or at any general election; and notice of said election shall be given by causing notice to be published in at least one newspaper in said county, within which said village or incorporated town may be, at least 15 days before said election, by the clerk of the county court: *Provided*, that no petition shall be valid for organizing a village from a part of a village or incorporated town, if the territory remaining in the old village or incorporated town shall be less than four (4) square miles, or have a population of less than three hundred (300) inhabitants. [§ 193b, ch. 24, R. S.

152. ELECTIONS—HOW CONDUCTED—BALLOT.] § 19. In all cases where the territory affected by the proposed election shall be under the city election law, and shall lie within the jurisdiction of any board of election commissioners, as provided by the act entitled, "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns of this State," approved June 19, 1885, in force July 1, 1885, such election and all municipal, county, state or general elections that may be held in such territory prior to the qualification of the village officials of the

village proposed to be formed under this act, shall be conducted by such board of election commissioners in conformity with the provisions of said act and all amendments thereto.

But where such territory is not within the jurisdiction of such board of election commissioners, the said election shall be conducted in the manner provided by law for the conducting of other municipal elections within said territory, and each qualified voter resident within such village or incorporated town shall have the right to cast a ballot at such election "for village organization under the general law" or "against village organization under the general law" of the territory proposed to be organized as a village under this act.

If the boundaries of the territory proposed to be organized into a village under this act intersect election precincts, then, in those precincts so intersected, an additional ballot box shall be provided, into which shall be deposited only the ballots of the voters residing within the limits of the territory so sought to be organized into a village under this act.

The ballots cast at such election shall be received, canvassed and returned, the same as ballots for municipal officers of such city, village or incorporated town. [§ 193c, ch. 24, R. S.]

153. WHEN SUBSEQUENT ELECTION MAY BE HELD.] § 20. No election on the same question and including territory within the same boundaries, shall be had, after one election thereon, until one year shall have elapsed.

Two or more petitions, each being for wholly different territory, may be acted upon, and the questions proposed in said petitions may be submitted to vote at the same time. And in determining the results of such simultaneous elections, the vote on each question submitted shall be counted and given effect the same as though it was the only question voted upon.

If two or more petitions are presented embracing in part the same territory, then the one first presented shall be submitted to vote, as above provided, and if that is carried, the other petitions shall not be submitted at all; but if the first is voted down, then the petition next presented shall be submitted, and so on, until one has been carried, or all have been voted upon. [§ 193d, ch. 24, R. S.]

154. WHEN SUCH TERRITORY SHALL BECOME A VILLAGE.] § 21. Where it shall appear that the majority of the voters in such village or incorporated town, as well as a majority of the voters residing within the limits of the territory proposed to be organized under this act as a village, so voting upon the question vote for said organization under this act, thereupon such territory shall become a village under this act, under the name specified in said petition, upon the election and qualification of officers, as provided in the next section. [§ 193e, ch. 24, R. S.]

155. ELECTION OF OFFICERS.] § 22. In all cases where the proposition for the organization of such a village under this act has been adopted, village officers shall thereupon be elected in the manner prescribed by law in case of newly organized villages, and until

such officers are elected and qualified, the officers of the village or incorporated town shall continue jurisdiction over said territory.

Upon the election and qualification of the officers of the new village formed under this act, the terms of all officers of the village or incorporated town held by the residents of the said new village under this act, who continue to reside in said new village, shall thereupon be terminated, and the occupants of such offices shall cease to act upon their successors being duly elected or appointed. [§ 193f, ch. 24, R. S.]

156. CERTAIN SECTIONS APPLICABLE—WHEN SUCH NEW VILLAGE CONSIDERED INCORPORATED.] § 23. Sections eight (8) to eighteen (18), both inclusive, and section twenty (20) of an act entitled, "An act to provide for the annexation of cities, incorporated towns and villages, or parts of same, to cities, incorporated towns and villages," approved and in force April 25, 1889, and all amendments thereto shall be applicable and govern in all matters affecting the interests, status, properties, division, distribution and settlement of the matters and things mentioned in said act, so far as the provisions of said act are applicable, and are not in conflict with the provisions of the foregoing sections of this act. And in the application of the provisions of the said act and of the amendments thereof, the said new village shall be considered as a village or incorporated town to which territory is annexed, and the old village or incorporated town from which said new village is formed shall be considered as a village or incorporated town from which territory is taken. [§ 193g, ch. 24, R. S.]

TO CURE DEFECTS IN ORGANIZATION.

AN ACT to enable incorporated towns to cure defects in their organization and to become organized as villages. [Approved and in force April 13, 1873. L. 1873, p. 65.]

157. DEFACTO TOWNS MAY REORGANIZE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for any town which has at any time heretofore endeavored to become incorporated under any law of the State heretofore in force, and which now exists as an incorporation *de facto*, and has or may have in office a board of trustees elected by the people, to organize and become incorporated as a village under the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in like manner as provided in section 1 of article XI of said act, notwithstanding such former organization may have been defective and unauthorized by law and such town may have less than 300 inhabitants; and after organizing as such village, no defect in such former organization shall in any manner impair the organization of such village. [Omitted from R. S.]

158. EMERGENCY.] § 2. Inasmuch as there are towns in the State whose proceedings to become incorporated were defective, and not in compliance with law, but which have in good faith elected boards of trustees, and become incorporated *de facto*; and whereas, the public interest demands that the question as to the right of such corporation to continue in existence should be speedily settled, an emergency exists requiring this act to take effect immediately, therefore this act shall take effect and be in force from and after its passage. [Omitted from R. S.]

**LAWS RELATING TO MUNICIPALITIES ORGANIZED
UNDER GENERAL OR SPECIAL ACTS. [PARAGRAPHS
159-1160.]**

**ORGANIZATION—ACTS CONCERNING ANNEXATION, DISCONNECTION AND
DIVISION OF TERRITORY, CHANGE OF NAME, CHANGE OF SITE, RE-
CORDING OF PLATS, ETC. [PARAGRAPHS 159-235.]**

ANNEXING AND EXCLUDING TERRITORY.

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages. [Approved April 10, 1872. In force July 1, 1872. L. 1871-2, p. 264.]

159. PETITION TO BE ANNEXED—VOTE OF PEOPLE ANNEXING.]

§ 1. That on petition, in writing, signed by a majority of the legal voters, and by a majority of the property owners in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said village, city or town (as the case may be) shall submit to a vote of the people of said city, village or town (as the case may be) at its next regular election or a special election to be called within sixty (60) days after said petition is presented, the question of the annexation of such proposed territory: *Provided, however*, that where the said petition shall be presented within ninety (90) days prior to a regular election no special election shall be called. In case the question of such annexation shall receive a majority of all the votes cast at said election in favor thereof, the city council or board of trustees of said city, village or town (as the case may be) shall, within 90 days thereof, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: *Provided*, that no portion less than the whole of an incorporated city, town or village shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village to another city, town or village. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 95; § 195, ch. 24, R. S.]

160. ANNEXING ONE CORPORATION TO ANOTHER.] § 2. Any incorporated city, village or town may be annexed to another incor-

porated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *Provided*, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: *Provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: *And, provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village. [§ 196, ch. 24, R. S.]

161. PROCEEDINGS BY CORPORATION TO ANNEX TERRITORY.] § 3. When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town, by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: *Provided*, that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns, desiring to become united under this act), shall contain an actual resident population of at least 150 inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition. [§ 197, ch. 24, R. S.]

162. NOTICE OF PROCEEDINGS.] § 4. When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week

for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this State), and by posting up notices at least 14 days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory. [§ 198, ch. 24, R. S.]

163. OBJECTION TO ANNEXATION—TRIAL.] § 5. The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated,) shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case. [§ 199, ch. 24, R. S.]

164. FINDING—COSTS, ETC.] § 6. If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury cases. [§ 200, ch. 24, R. S.]

165. PROCEEDINGS BY OWNER TO BE ANNEXED.] § 7. When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition, in writing, signed by them, and filed in the circuit court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard. [§ 201, ch. 24, R. S.]

166. PROCEEDINGS TO DISCONNECT.] § 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceeding shall be required by sections 4, 5 and 6 of the act for

the annexation of territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks. [§ 202, ch. 24, R. S.]

167. MAP AND ORDINANCE RECORDED.] § 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town, (as the case may be,) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded. [§ 203, ch. 24, R. S.]

168. SCHOOL DISTRICTS.] § 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act. [§ 204, ch. 24, R. S.]

169. JUDICIAL NOTICE.] § 11. All courts in this State shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act. [§ 205, ch. 24, R. S.]

DISCONNECTING TERRITORY.

AN ACT in relation to the disconnection of territory from cities and villages and to repeal an act therein named. [Approved and in force May 10, 1901. L. 1901, p. 96.]

170. DISCONNECTING TERRITORY.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever the owners representing a majority of the area of land of any territory within any city or village, and being upon the border and within the boundary thereof, not laid out into city or village lots or blocks, shall petition the city council of such city, or the trustees of such village, praying the disconnection of such territory therefrom, such petition shall be filed with the city clerk of such city, or the president of the trustees of such village, accompanied with the certificate of the county clerk, showing that all city taxes or assessments due up to the time of presenting such petition are fully paid, at least 30 days before the meeting of such city council or trustees at which it is proposed to present such petition, and the city clerk of such city, or president of the trustees of such village, shall present such petition to the city council or trustees, as the case may be, and upon such presentation the city council of such city, or trustees of such village, may in the discretion of such city council, or trustees of such village, by ordinance, to be passed by a majority of the members elected to such city council, or board of trustees, disconnect the territory described in such petition from such city or village: *Provided, however*, that the territory so disconnected shall not thereby be exempted from taxation for the purpose of paying any indebtedness contracted by the corporate

authorities of such city or village while such territory was within the limits thereof, and remain unpaid, but the same shall be assessed and taxed for the purpose of paying such indebtedness the same as if such territory had not been disconnected, until such indebtedness is fully paid. [§ 206, ch. 24, R. S.]

171. ORDINANCE RECORDED.] § 2. A copy of the ordinance disconnecting the territory from any city or village, certified by the clerk of such city, or president of the trustees of such village, shall be filed for record and recorded in the recorder's office of the county in which such disconnected territory is situated, and a copy of such ordinance, so certified, shall be filed with the clerk of the county court of the county in which such disconnected territory is situated. [§ 207, ch. 24, R. S.]

172. JUDICIAL NOTICE.] § 3. All courts in this State shall take judicial notice of cities and villages and the changes made in their territory under this act. [§ 208, ch. 24, R. S.]

173. WHAT PROPERTY ACT APPLIES.] § 4. This act shall apply to and affect all cases where property has not been disconnected by such city council, or trustees of such village, whether application has been made for disconnection or not. [§ 209, ch. 24, R. S.]

174. REPEAL.] § 5. An act in relation to the disconnection of territory from cities and villages, approved and in force May 29, 1879, and all other acts and parts of acts in conflict with this act are hereby repealed. [§ 210, ch. 24, R. S.]

175. EMERGENCY.] § 6. Whereas, an emergency exists, therefor this act shall take effect and be in force from and after its passage. [§ 210½, ch. 24, R. S.]

DIVISION OF INCORPORATED TOWNS.

AN ACT to provide for the division of incorporated towns. [Approved June 12, 1891. In force July 1, 1891. Laws 1891, p. 74.]

176. MANNER OF DISCONNECTING—ELECTION—NOTICE—ELECTION OF OFFICERS.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any portion of an incorporated town, such portion having an area of not less than one square mile and a resident population of not less than 1,000, and lying upon the border and within the boundary of such incorporated town, may be disconnected from such town as a separate town in manner following, that is to say:

A petition shall be presented to the county judge of the county in which such incorporated town is situated, asking that the question of disconnection be submitted to the legal voters of such town. Such petition shall clearly define the boundary of such territory sought to be so disconnected; shall state the population thereof and the name proposed for the town to be organized therefrom, and shall be signed by not less than 100 of the legal voters residing within the limits of the territory sought to be disconnected, unless the votes cast by the voters residing within the limits of such territory at the last preceding election numbered less than 500, in which case the petition shall

be signed by one-fifth of the legal voters residing within the limits of such territory; and thereupon the said county judge shall cause to be submitted the question of disconnection to the voters of such incorporated town at an election to be held in such incorporated town; such question shall be submitted at the next succeeding general or municipal election, provided such general or municipal election shall be holden at a time not less than 20 days or more than 60 days after the presentation of said petition to said county judge. In case the next succeeding general or municipal election shall be holden at a time within 20 days or more than 60 days after the presentation of said petition as aforesaid, then the said county judge shall order a special election to be holden in said town after the manner of holding town elections at a time not more than 30 days after the presentation of said petition. Notice of the election hereby required shall be given by causing notices thereof to be published in at least one newspaper published in said county within which said incorporated town may be, at least 15 days before such election by the clerk of the county court. The ballots cast at such election to be written or printed or partly written and partly printed "for disconnection of" (here set out the limits of the territory sought to be disconnected) or "against disconnection of" (here set out the limits of the territory sought to be disconnected) respectively, to be received, canvassed and returned the same as ballots for municipal officers of such incorporated town, and the officers who are charged by law with the duty of canvassing such votes, shall ascertain the exact residence of each voter, voting at such election, either from the books of registration or from the oath or affirmation of such voter, and in election precincts which are intersected by the boundaries of the territory sought to be disconnected, the judge of elections shall procure an additional ballot box in which shall be deposited only the ballots of voters residing within the limits of the territory so sought to be disconnected, and shall file or cause to be filed with the clerk of the county court of such county a certificate of such canvass immediately upon ascertaining the result thereof, in which certificate such officers shall state, as well as the results of the entire vote as canvassed by them, the number of votes cast by the voters residing within the limits of the territory so sought to be disconnected, and the number of votes for and the number of votes against the question so submitted as cast by such voters; and if it shall appear that the majority of the voters of such incorporated town as well as a majority of the voters residing within the limits of the territory sought to be disconnected, so voting upon the question of division at such election vote for disconnection, thereupon such territory shall become disconnected and wholly separated from such town, both as an incorporated town and as a town under the township organization laws, and shall constitute a duly organized town under the name proposed in the aforesaid petition under the general township organization laws, and the jurisdiction of the corporate authorities of the town from which such territory shall be taken shall continue over such new town until proper township officers of such new town shall be elected and qualified under the provisions of this act; and the county judge shall forthwith call and fix

the time and place of an election to elect town officers, and cause notices thereof to be posted or published, and perform all other acts in reference to such election in like manner as nearly as may be, as he is required to perform in reference to the election of officers in newly organized cities; but the term of such officers elected at such election shall terminate as soon as their successors are elected and qualified at the regular annual election. [§ 210a, ch. 24, R. S.]

177. WHEN MORE THAN ONE PETITION PRESENTED.] § 2. If more than one petition be presented to the county judge as described in this act for the disconnection of the same territory included within different boundaries, the judge of said county shall submit such question as petitioned for in the first petition presented to him, and shall suspend action upon such other petition or petitions until the question first submitted shall be determined by election as aforesaid. [§ 210b, ch. 24, R. S.]

178. WHEN DIVISION NOT TO AFFECT ASSESSMENT.] § 3. Whenever any incorporated town shall be divided under the provisions of this act, after the making out of the assessor's books in any year, such division shall not in any manner affect the assessment or collection of the taxes assessable and collectible in that year, but the same may be assessed and collected in the same manner and by the same officers as if no division or alteration had taken place. [§ 210c, ch. 24, R. S.]

179. NEW TOWN—VESTING PROPERTY.] § 4. Whenever any portion of any incorporated town shall be disconnected from such town and organized as a separate town under the provisions of this act, such new town shall become vested with the title and ownership of all property belonging to such incorporated town lying wholly therein, to be held for the use and benefit of such new town. [§ 210d, ch. 24, R. S.]

180. MANNER OF DIVISION OF PROPERTY AND INDEBTEDNESS.] § 5. Such new town shall assume and pay its proportionate share of any indebtedness of such incorporated town according to the taxable property in such new town; the amount of said indebtedness to be paid by said newly organized town shall be determined and agreed upon by the corporate authorities of the said newly organized town and of the original town from which such territory is taken, in such manner as they shall elect. If they can not agree, then the matter shall be determined by the circuit court of the county in which such towns may be, by petition of either town or of any taxpayer of either town. The court shall hear and determine the matter in a summary way without pleadings, and shall pronounce judgment as the right and equity of the matter shall demand. If the respective corporate authority shall agree as to the amount to be paid by each town, then each shall pass an ordinance or a resolution reciting the amount thereof to be paid, a copy of which said ordinance shall be duly certified by the clerk of each town and filed with the county clerk of the county wherein such towns may lie, and by him certified to the State Auditor of Public Accounts, and which said ordinance or resolution shall be final and conclusive in all proceedings as to the amount of

indebtedness so to be paid. If a judgment or decree shall be entered by the circuit court or county court, as hereby provided, then a certified copy thereof shall be made by the clerk of said court and filed with the clerk of each of said towns and with the county clerk, and by the county clerk certified to the State Auditor of Public Accounts, and such judgment shall be final and conclusive in all proceedings as to the amount of indebtedness to be paid by each town. The State Auditor shall thereafter certify the proportion or rate per centum to the county clerk, and the county clerk shall thereafter extend such proportion or rate per centum upon the taxable property, of both the original town and such new town, for the payment of any bonds or interest thereon so issued by such incorporated town, so that each town shall pay its just share and proportion as agreed upon, or as adjudged by the court. Such new town shall be entitled to its proportionate share of all public property, according to the amount of taxable property within such new town, and shall be charged therewith in a division of the public property of such dismembered incorporated town, and the original town, as divided, shall be charged with all the public property within its territory, and all the public funds in the hands of the corporate authorities, such division to be agreed upon by the same authorities, or settled by the court in the same manner and upon the same basis as above provided for in dividing the indebtedness of said dismembered incorporated town. [§ 210e, ch. 24, R. S.]

181. DIVISION—ANNUAL TAX LEVY—PRO RATA SHARE.] § 6. When an incorporated town shall be divided as above prescribed, and before such division the municipal authorities of said incorporated town had made an annual tax levy, then in such case there shall be paid over to the treasurer of the new town the pro rata share paid by such disconnected territory, of said tax levy for said year, according to the taxable property therein as the same existed immediately before such division, and charging such territory its proportionate share for the expired part of the fiscal year. [§ 210f, ch. 24, R. S.]

182. PROCEEDINGS COMMENCE BEFORE DIVISION FOR IMPROVING STREET—HOW CARRIED ON.] § 7. When any portion of an incorporated town is disconnected therefrom under the provisions of this act, and prior to such division proceedings had been instituted for the purpose of improving any streets within such detached portion by special assessment or special tax, then in such case such proceedings may be carried to a finality whether the whole improvement be within the detached portion or not. If the whole improvement is to be made within the detached portion, then the amount collected by such proceedings shall be paid over to such new town to be used by such town for the purpose for which such proceedings were instituted. If only a part of such improvement is to be made within the detached territory, then such original town may proceed with the same as though such division had not taken place. When any portion of any incorporated town shall be disconnected under the provisions of this act, then in that case any proceedings instituted for the purpose of taking land for the purpose of opening any street or alley or other public way within the territory so disconnected shall not be arrested or

stayed, but the same may proceed to a finalty if the new town so elect, and all moneys received from any special assessment or tax levied or assessed for such purpose shall be paid over to the said new town to be used by it for the purposes for which the same was collected, such proceedings to be continued in the name of said new town with like force and effect as though said territory had not been detached. [§ 210g, ch. 24, R. S.]

183. PROVISION AS TO SEWERS, WATER WORKS, GAS OR ELECTRIC LIGHT SYSTEM.] § 8. If any portion of any incorporated town be disconnected under the provisions of this act, such new town and the original town shall have the same use and benefit of any sewer, water works, gas or electric light system owned by said original town, from which such new town was disconnected, on the same terms, conditions and restrictions that the territory of each had before such dismemberment, and in case the new town shall become incorporated as a village then such village shall succeed to all the rights and privileges and be subject to all the burdens and conditions granted or imposed by this act. [§ 210h, ch. 24, R. S.]

184. PROVISION AS TO OFFICERS—JUSTICES OF THE PEACE—PROCEEDINGS.] § 9. When any portion of any incorporated town shall be disconnected under the provisions of this act, if any officer of the town from which such territory shall be taken (excepting justices of the peace or police magistrates) shall continue to reside in such new town, his office shall become vacant and filled as in other cases of vacancy; but any justice of the peace or police magistrate duly elected and qualified, and acting at the time such disconnection shall take effect, shall continue to hold his office for the term for which he was elected; all suits, actions, proceedings, complaints, prosecutions and special proceedings which shall be pending in the territory so disconnected before any justice of the peace shall be heard and determined as though such division had not taken place, and the said justices of the peace shall continue to exercise within said territory, the duties of their respective offices until the term thereof shall respectively expire or otherwise be determined in the same manner as though such disconnection had not taken place, and the powers and jurisdiction of said justices within said territory, and their fees and emoluments and methods of procedure, shall be the same as though such disconnection had not taken place. At the expiration of the term of such justices of the peace or police magistrates, all dockets and books, papers and files of their respective offices shall be filed and deposited with any justice of the peace of said newly incorporated town, that the circuit court of the county shall designate by order of the court. [§ 210i., ch. 24, R. S.]

185. SCHOOL DISTRICTS.] § 10. Nothing herein shall be construed to authorize the alteration of the boundaries of any school district or township. [§ 210j., ch. 24, R. S.]

ANNEXATION OF CITIES, INCORPORATED TOWNS AND VILLAGES.

AN ACT to provide for the annexation of cities, incorporated towns and villages, or parts of same, to cities, incorporated towns and villages. [Approved and in force April 25, 1880. L. 1880, p. 67.]

186. PETITION TO—HOW QUESTION SUBMITTED—RETURNS.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That where an incorporated city, town or village adjoins another incorporated city, town or village it may be annexed thereto in the manner following, that is to say:

A petition shall be presented to the judge of the county court of the county wherein such incorporated city, town or village to which such annexation is sought is situated, asking that the question of annexation be submitted to the legal voters of the city, village or incorporated town sought to be annexed, and the legal voters of the city, village or incorporated town to which it is sought to annex the same. Such petition shall be signed by not less than two hundred and fifty (250) of the legal voters of the city, village or incorporated town sought to be annexed, unless the votes cast in said city, village or incorporated town at the last preceding general election numbered less than five hundred (500), in which case the petition shall be signed by one third ($\frac{1}{3}$) of the legal voters of such city, village or incorporated town, and thereupon said county judge shall cause to be submitted the question of annexation to the voters of the incorporated city, town or village sought to be annexed, and to the voters of the incorporated city, town or village to which it is sought to annex the same, at an election to be holden in each of said incorporated cities, towns or villages. Such question may be submitted at either a special election called for that purpose, or at any municipal election, or at any general election. Notice of the election hereby required shall be given by causing notices thereof to be published in at least one newspaper published in said county, within which said city, village or incorporated town may be, to which territory is sought to be annexed, at least fifteen (15) days before such election, by the clerk of the county court. The ballots cast at such election to be written or printed, or partly written or partly printed, "For annexation of" (here name the city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) or, "Against annexation of" (here name city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) respectively, to be received, canvassed and returned the same as ballots for municipal officers of such incorporated cities, towns or villages, and the officers who are charged by law with the duty of canvassing such votes, shall file, or cause to be filed, with the clerk of the county court of such county a certificate of the result of such canvass immediately upon ascertaining the result thereof, and if it shall appear that a majority of the voters of each incorporated city, town or village so voting upon the question of annexation, at such election vote for annexation, thereupon the jurisdiction of the incorporated city, village or town, to which such other incorporated city, village or town is annexed, shall extend over said territory;

but if it shall appear that a majority of the voters of any incorporated city, town or village so voting upon the question of annexation, when such question is first submitted, vote against annexation, any petition thereafter presented to the judge of the county court shall be signed by not less than one-eighth of the legal voters of the incorporated city, town or village, which is sought to be annexed to an adjoining city, village or incorporated town so voting against annexation. [§ 211, ch. 24, R. S.]

187. WHEN INHABITANTS OF TERRITORY DESIRE TO BE ANNEXED—PROCEEDINGS.] § 2. When the inhabitants of any territory not less than one-half square mile in extent and less than the whole of an incorporated city, village or town, and which territory shall be contiguous to and adjoining the territory of another incorporated city, village or town, desire to be annexed to such other incorporated city, village or town, such annexation may be effected as follows: A petition shall be presented to the judge of the county court wherein such incorporated city, town or village is situated to which annexation is desired, signed by not less than 100 of the legal voters of the territory sought to be annexed, asking that the question of annexation of the territory described in the petition may be submitted to the legal voters of the city, village or incorporated town from which said territory is to be taken, and to the legal voters of the city, village or incorporated town to which it is sought to annex the same and to the legal voters of the territory sought to be disconnected from one city, village or incorporated town and annexed to the other city, village or incorporated town. Such territory shall be described in said petition, and thereupon said county judge shall cause to be submitted the question of annexation of such territory to the voters of the incorporated city, town or village from which it is sought to disconnect territory, and to the voters of the incorporated city, town or village to which it is sought to annex the same, at an election to be holden in each of said incorporated cities, towns or villages. Such question may be submitted at either a special election, called for that purpose, or at any municipal election, or at any general election. Notice of the election hereby required shall be given by causing notices thereof to be published in at least one newspaper published in said county, within which said city, village or incorporated town may be, to which territory is sought to be annexed, at least 15 days before such election, by the clerk of the county court. The ballots at such election to be written or printed, or partly written and partly printed, "For annexation of" (here describe territory of city, village or incorporated town to be annexed) "to" (here give the name of city, village or incorporated town to which annexation is sought) or "against annexation of" (here describe territory of city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) respectively, or in such other manner as is or may be hereafter provided in such cases by the general election laws of the State of Illinois applicable to said cities, villages or incorporated towns, said ballots to be received, canvassed and returned the same as ballots for municipal officers of such incorporated cities, towns or villages; and the officers who are charged

by law with the duty of receiving such votes, shall ascertain the exact residence of each voter voting at such election, either from the books of registration or from the oath or affirmation of such voter, and in election precincts which are intersected by the boundaries of the territory sought to be annexed, the judges of election shall procure an additional ballot box in which shall be deposited only the ballots of voters residing within the limits of the territory so sought to be annexed, and shall make a separate return of the ballots cast in such additional ballot box, and the officers who are charged by law with the duty of canvassing the returns of such election shall file, or cause to be filed, with the clerk of the county court of such county, a certificate of such canvass immediately upon ascertaining the result thereof, in which certificate such officers shall state, as well as the results of the entire vote in each of the cities, incorporated towns or villages as canvassed by them, the number of votes cast by the voters residing within the limits of the territory so sought to be annexed, and the number of votes for and the number against the question so submitted as cast by such voters; and if it shall appear that the majority of the voters of each incorporated town, city or village, as well as a majority of the voters residing within the limits of the territory sought to be annexed so voting upon the question of annexation at such election, vote for annexation, thereupon the jurisdiction of the incorporated city, town or village shall extend over such territory so annexed; but if it shall appear that a majority of the voters of any territory less than the whole of an incorporated city, village or town, so voting upon the question of annexation, when said question is submitted, vote against annexation, any petition thereafter presented to the judge of the county court for the annexation of the same territory shall be signed by not less than one-eighth of the legal voters of the territory which is sought to be annexed under such subsequent petition. [As amended by act approved April 12, 1899. In force July 1, 1899. L. 1899, p. 87; § 212, ch. 24, R. S.]

188. WHEN PETITIONS ARE PRESENTED TO ANNEX THE WHOLE AND ALSO A PART OF A CITY, ETC.] § 3. If petitions are presented to the county judge, as described in this act, for the annexation of the whole and also for the annexation of a part or parts of a city, village or incorporated town to a city, village or incorporated town, the said county judge shall submit such question as petitioned for by each petition, and if at such election the result of the votes shall be against annexation of the whole, but shall be in favor of annexation of a part or parts, and such parts combined as one territory are contiguous to such city, village or incorporated town, or if any such part be contiguous to such city, village or incorporated town, then such contiguous territory shall be annexed the same as though no proposition had been submitted to annex the whole thereof. [§ 213, ch. 24, R. S.]

189. PROCEEDINGS ON ANNEXATION—PAYMENT OF DEBTS—DIVISION OF PROPERTY, ETC.] § 4. The city, village or incorporated town to which the whole of another city, village or incorporated town is annexed under the provisions of this act shall assume and pay any and

all debts, liabilities, bonds or obligations and interests thereon of the city, incorporated town or village so annexed, and shall become vested with title and ownership of all property belonging to said city, village or incorporated town so annexed, to be held for the same purposes and for the same uses, subject to the same conditions as theretofore, and if the public schools of such enlarged city, village or incorporated town are all in charge and under the control of one board of education, the said enlarged city, village or incorporated town shall assume and pay the indebtedness of each school district or township lying wholly therein, and shall become vested with the title and ownership of all property belonging to any school district or township lying wholly therein, to be held for the same purposes and to the same uses and subject to the same conditions as theretofore. If the bonds of said city, village or incorporated town so annexed, or of any school district or township lying wholly therein, have been registered in the office of the State Auditor of Public Accounts, in accordance with the statute, the county clerk shall certify the fact of such annexation forthwith to said State Auditor, and said State Auditor shall not thereafter certify any rate per centum to the county clerk, nor shall the county clerk thereafter extend any such rate for the payment of such bonds or interest thereon upon the taxable property of such city, town or village so annexed, or school district or township. All debts, bonds and obligations of the united municipality to be paid by the enlarged city, village or incorporated town. And if there be a portion of a school district or township lying within and a portion lying without such annexed territory, the debts of such school district or township shall be paid and the property divided in the same manner as is provided for paying debts and dividing property in section eight (8) of this act, where parts of cities, villages or incorporated towns are annexed to other cities, villages or incorporated towns. [§ 214, ch. 24, R. S.]

190. WHEN THE WHOLE OF A CITY, ETC., ANNEXED—ANNUAL APPROPRIATION ORDINANCE—TAX LEVY.] § 5. When the whole of a city, village or incorporated town is annexed to another city, village or incorporated town under the provisions of this act, and the corporate authorities of such city, village or incorporated town so annexed shall have passed an ordinance termed the annual appropriation ordinance, but not an ordinance levying a tax for the purpose of collecting a sufficient sum of money to defray the total amount of appropriations for all corporate purposes for that fiscal year, then the corporate authorities of the city, village or incorporated town to which such territory is annexed shall have the right to include the amount of such appropriations in the annual tax levy of such city, village or incorporated town, the same as though such appropriations had been made by the city, village or incorporated town to which such other city, village or incorporated town is annexed. The said taxes may be used by the city, village or incorporated town to which annexation is had for the purposes for which such appropriation was made by the city, village or incorporated town so annexed. [§ 215, ch. 24, R. S.]

191. ANNEXATION NOT TO INTERFERE WITH THE LEVY.] § 6. When the whole of an incorporated town, city or village shall be annexed to another city, village or incorporated town it shall not arrest, stay or interfere with any proceedings for the collection or enforcement of any tax, special assessment or special tax, but the same shall proceed and be carried to a finality as though no such annexation had taken place, and the proceeds thereof shall be paid over to the treasurer of the city, village or incorporated town to which such other village, city or incorporated town is annexed, to be used for the purpose for which the tax was levied or the proceedings instituted. [§ 216, ch. 24, R. S.

192. ANNEXATION—SUITS, HOW DEFENDED AND PROSECUTED.] § 7. All suits pending in any court on behalf of or against any village, city or incorporated town, the whole of which is under the provisions of this act annexed to another city, village or incorporated town, may be prosecuted or defended in the name of the city, village or incorporated town so annexed, and all judgments, fines, decrees or recoveries obtained for or on behalf of any village, city or incorporated town so annexed to another may be collected and enforced with like force and effect as though such annexation had not taken place in the name of the city, village or incorporated town so annexed. [§ 217, ch. 24, R. S.

193. WHEN PART OF CITY, ETC.—DIVISION OF PUBLIC PROPERTY ANNEXED—PAYMENT OF INDEBTEDNESS.] § 8. When a part of the territory of a city, village or incorporated town is taken therefrom and annexed to another city, village or incorporated town under the provisions of this act, then the proportionate share of any indebtedness, contract or liability of such city, village or incorporated town from which such territory is taken shall be assumed and paid by such enlarged city, village or incorporated town, according to the taxable property in such disconnected territory as the same existed immediately before such annexation, and if the public schools of such enlarged city, village or incorporated town shall be in charge and control of one board of education, then the proportionate share of any indebtedness of any school district or township shall be assumed and paid by such enlarged city, village or incorporated town according to the taxable property in such part of such disconnected territory within such school district or township, as the same existed immediately before such annexation, and if the whole of a school district or township is annexed, then such municipality shall assume and pay all the indebtedness of such school district or township. The amount of the said indebtedness to be paid by said enlarged city, town or village shall be determined and agreed upon by the city council of the city or trustees of the village or incorporated town to which such territory is annexed, and the city council of the city or trustees of the village or incorporated town from which such territory is taken, or the school authorities of the school district or township of which such disconnected territory was a part, as the case may be, in such manner as they shall elect; if they can not agree, then the matter shall be determined by the circuit or county court of the county in which such municipal corporation may be to which annex-

tion is made, by petition of either municipal corporation or of any taxpayer of either municipality. The court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right and equity of the matter may demand. If the respective corporate authorities shall agree as to the amount to be paid by such enlarged city, town or village, then each shall pass an ordinance or a resolution reciting the amount thereof to be paid, a copy of which said ordinance or resolution shall be duly certified by the clerk of the city, village or incorporated town to which such territory is annexed, and filed with the county clerk of the county wherein such enlarged city, town or village may lie, and by him certified to the State Auditor of Public Accounts, and which said ordinance or resolution shall be final and conclusive in all proceedings as to the amount of indebtedness so to be paid. If a judgment or decree shall be entered by a circuit or county court as herein provided, then a certified copy thereof shall be made by the clerk of said court and filed with the clerk of each of the said municipal corporations and with the county clerk, and by the county clerk certified to the State Auditor of Public Accounts and such judgment shall be final and conclusive in all proceedings as to the amount of indebtedness to be paid by each municipality. The State Auditor shall not thereafter certify any rate per centum to the county clerk, nor shall the county clerk thereafter extend any rate upon the taxable property of said annexed territory for the payment of any of said bonds or interest thereon so issued by the city, incorporated town or village from which it is disconnected. Said enlarged city, town or village shall be vested with the title and ownership of all the public and school property in such annexed territory, and shall be charged therewith in the division of the public property of such dismembered city, incorporated town or village, or school district or township, between said municipalities, or between said enlarged city, town or village and any dismembered school district or township, as the case may be, and the territory not annexed shall be charged with all the public property within such territory, and all the public funds in the hands of the corporate authorities, such division to be agreed upon by the same authorities or settled by the court in the same manner and upon the same basis as above provided for in dividing the indebtedness of said dismembered municipality or school district or township. [§ 218, ch. 24, R. S.]

194. WHEN TAX LEVY MADE BEFORE ANNEXATION.] § 9. When a part of a city, village or incorporated town is annexed to another city, village or incorporated town, and before such annexation the municipal authorities of the city, village or incorporated town from which the territory is detached had made an annual tax levy, then in such case there shall be paid over to the treasurer of the city, village or incorporated town to which such territory is annexed the *pro rata* share paid by such territory of said tax levy for said year, according to the taxable property therein, as the same existed immediately before such annexation, and charging such territory its proportionate share for the expired part of the fiscal year. [§ 219, ch. 24, R. S.]

195. WHEN PROCEEDINGS INSTITUTED BEFORE ANNEXATION TO IMPROVE STREETS, ETC.] § 10. When a part of a city, village or incorporated town is annexed to another city, village or incorporated town under the provisions of this act and, prior to such annexation, proceedings had been instituted for the purpose of improving any streets within such detached portion by special assessment or special taxation, then in such case such proceedings may be carried to a finality, whether the whole improvement be within the detached portion or not. If the whole improvement is to be made within the detached portion then the amount collected by such proceedings shall be paid over to the city, village or incorporated town to which such territory is annexed, to be used by such city, village or incorporated town for the purpose for which such proceedings were instituted. If only a part of such improvement is to be made within the detached territory, then the city, village or incorporated town from which such territory is detached may proceed with the same as though such annexation had not taken place. [§ 220, ch. 24, R. S.]

196. WHEN PROCEEDINGS INSTITUTED TO TAKE LAND FOR OPENING STREET OR ALLEY BEFORE ANNEXATION.] § 11. When a part of a city, village or incorporated town is annexed to another under the provisions of this act, then in that case any proceedings instituted for the purpose of taking land for the purpose of opening any street or alley, or other public way, within the territory so annexed, shall not be arrested or stayed, but the same may proceed to a finality, if the city, village or incorporated town to which such territory is annexed so elect, and all moneys received from any special assessment or tax levied or assessed for such purpose shall be paid over to the city, village or incorporated town to which such territory is annexed, to be used by it for the purposes for which the same was collected, such proceedings to be continued in the name of the city, village or town from which the territory is detached with like force and effect as though the said territory had not been detached therefrom. [§ 221, ch. 24, R. S.]

197. ANNEXATION—USE OF WATER WORKS, GAS OR ELECTRIC LIGHT SYSTEM.] § 12. If a part of a city, village or incorporated town be annexed to another village, city or incorporated town, then such part of the city, village or incorporated town shall have the same use and benefit of any water works, gas or electric light system owned by such city, village or incorporated town prior to such annexation, on the same terms, conditions and restrictions that it had before such annexation; and on the same terms, conditions and restrictions said territory not annexed may thereafter receive the use and benefit thereof; and if a portion of the territory of any city, village or incorporated town be annexed to another city, village or incorporated town, then the portion of the city, village or incorporated town not annexed shall have the same use and benefit of any water works, gas or electric light system owned by such city, village or incorporated town prior to such annexation on the same terms, conditions and restrictions that it had before such annexation, and on the same terms.

conditions and restrictions said territory annexed may thereafter receive the use and benefit thereof. Either part of such village, city or incorporated town receiving such benefit as aforesaid may have its said rights and benefits waived by the city council or board of trustees of the city, village or incorporated town to and from which said territory is annexed and detached, upon such just and equitable terms as they may agree, and if they cannot agree, then the matter shall be determined by the circuit or county court of the county within which such city, village or incorporated town to which territory is annexed may lie, on petition of any person interested therein. Said court shall determine the matter aforesaid in a summary manner and without formal proceedings pronounce judgment as the right and equity of the case may require, and such judgment shall be final and conclusive. [§ 222, ch. 24, R. S.]

198. ANNEXATION—PROCEEDINGS FOR DIVISION OF PROPERTY.] § 13. When a part of a city, village or incorporated town shall be under the provisions of this act annexed to another city, village or incorporated town, then, in case the municipal authorities of the municipal corporation from which the territory is detached and of the municipal corporation to which it is attached can not by ordinance agree as to the division of the property or the settlement of their respective rights and all matters arising out of said annexation within 60 days thereafter, then the circuit or county court of the county within which either municipal corporation may be, shall hear and determine all matters so in dispute, and give judgment or decree, as the right of the matter may demand, on petition of either municipal corporation, and such judgment shall be final and conclusive. [§ 223, ch. 24, R. S.]

199. TRANSFER OF BOOKS, DOCUMENTS AND PAPERS.] § 14. All public books, papers and documents, when the whole of an incorporated city, town or village is annexed under the provisions of this act, on file in any office or with any officer thereof, shall be transferred to and filed with the appropriate officer or department of the city, incorporated town or village to which such annexation is made, as the city council or board of trustees thereof, as the case may be, shall direct; and it shall be the duty of all persons having charge of such books, papers and documents, to deliver the same to and file the same with the appropriate officer or department as in this section provided. [§ 224, ch. 24, R. S.]

200. UPON ANNEXATION PROVISION AS TO CONTINUATION OF OFFICERS.] § 15. When a part of a city, village or incorporated town shall be annexed to another city, village or incorporated town, and any mayor, president, alderman or trustee, clerk, treasurer or attorney for such municipality from which the territory is detached shall reside in the territory so detached, then he shall continue in office as an officer of such municipal corporation until the next annual municipal election of such city, village or incorporated town, as the case may be. [§ 225, ch. 24, R. S.]

201. PROVISION AS TO JUSTICES OF THE PEACE AND THEIR JURISDICTION ON ANNEXATION.] § 16. When the whole or any part of such city, village or incorporated town shall be annexed to another city,

village or incorporated town under the provisions of this act, then any justice of the peace or police magistrate, duly elected, qualified and acting at the time that annexation shall take effect shall continue to hold their offices for the terms for which they were respectively elected. All suits, actions, proceedings, complaints, prosecutions and special proceedings which shall be pending in the territory annexed before any justice of the peace shall be heard and determined as though annexation had not taken place, and the said justices of the peace shall continue to exercise, within said territory, the functions of their respective offices until the term thereof shall respectively expire or otherwise sooner be determined, in the same manner as though annexation had not taken place, and the powers and jurisdiction of said justices within said territory and their fees and emoluments and methods of procedure shall be as though annexation had not taken place. But nothing in this section contained shall authorize any service of process issued by a justice of the peace or police magistrate of the city, village or incorporated town, or give any such justice of the peace jurisdiction outside of the territory to which his jurisdiction was limited before such annexation, or interfere with the jurisdiction of any justice of the peace or police magistrate of the city to which it is annexed over the territory annexed. At the expiration of the term of such justices of the peace or police magistrates all dockets and books, papers and files of their respective offices shall be filed and deposited with any justice of the peace of the city, village or incorporated town to which said territory is annexed, that the circuit court of the county shall designate by order of the court. [§ 226, ch. 24, R. S.]

202. TRANSFER OF FIREMEN AND POLICEMEN.] § 17. All policemen and firemen lawfully in the employ of any city, village or incorporated town, the whole of which may be annexed to another, as provided in this act, shall be transferred to and become a part of the police and fire department force of such city, village or incorporated town. [§ 227, ch. 24, R. S.]

203. ANNEXATION—LICENSE TO KEEP DRAMSHOP—SUBMISSION OF QUESTION.] § 18. When a part or the whole of an incorporated town, village or city is annexed, under the provisions of this act, to another city, village or incorporated town, and prior to such annexation an ordinance was in force prohibiting the issuing of licenses to keep dramshops within said territory so annexed, or any part thereof, or providing that such licenses shall not be issued except upon petition of a majority of the voters residing within a certain distance of such proposed dramshops, then such ordinance shall continue in full force and effect, notwithstanding such annexation: *Provided*, the city council or board or trustees, as the case may be, may, on petition of one-fourth of the voters of the territory over which said ordinance extends, submit at an annual municipal election, but not oftener than every other municipal election, the question to the voters of such territory whether or not an ordinance shall be passed authorizing the issuing of dramshop licenses for such territory: *And, provided further*, that upon petition in such case of one-fourth of the voters within any part of said annexed territory not less than one-

half square mile in extent, asking that any such ordinance shall be continued in force in said portion of said annexed territory, said question of issuing dramshop licenses shall be submitted separately to the voters of said portion of said annexed territory, and if a majority of the voters voting on such question vote against dramshops, then said ordinance shall continue in force in said portion of said territory, otherwise not. The ballots cast at such election shall be written or printed, or partly written and partly printed, "For dramshops" or "Against dramshops," respectively, and shall be received, canvassed and returned the same as ballots cast at said election for municipal officers, and if it shall appear that a majority of the voters so voting upon the question vote "For dramshops," then licenses may be issued for said territory on the same terms and conditions as licenses are granted by ordinance within other parts of the municipality. It is intended by this section to continue in full force and effect all ordinances of any municipality, the whole or part of which is annexed to another city, incorporated town or village, whereby the licensing of dramshops is prohibited or regulated within said city, village or incorporated town, or any part thereof, without the voters of the territory so affected consent, as hereby provided, to the repeal of such ordinance by the city, village or incorporated town to which the territory is annexed. [§ 228, ch. 24, R. S.]

204. WHAT CONSTITUTES A WARD—ELECTION OF ALDERMEN.]

§ 19. Whenever the whole or a part of any city, village or incorporated town is annexed to a city having 30,000 inhabitants or more and such annexed territory is three or more square miles in extent, or contains 15,000 inhabitants and not more than 25,000 inhabitants, then such annexed territory shall constitute a ward of the city to which it is annexed, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such annexed territory, which said aldermen from such annexed territory shall be additional aldermen to the number theretofore required in such city, and shall possess all the qualifications of and be elected at the time and in the manner provided by law: *Provided*, that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for a fraction of 15,000 inhabitants or more, the number of inhabitants to be determined by the last preceding National, State or school census of such annexed territory and if any such annexed territory has less than 15,000 inhabitants, and is less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: *Provided further*, that nothing herein shall prevent the city council from re-districting such city according to law. [§ 229, ch. 24, R. S.]

205. SEWERS MAY BE BUILT BY SPECIAL ASSESSMENTS.] § 20.

When the whole of a city, village or incorporated town, or part of the same, is annexed to another city, village or incorporated town under the provisions of this act, and within such territory so annexed sewers were before such annexation laid or built by special assessment, then in such cases the city, village or incorporated town to

which such territory is annexed may continue to lay or build sewers or establish a drainage system by drainage districts within such annexed territory by special assessment or special taxation, if it shall so elect. [§ 230, ch. 24, R. S.]

206. JURISDICTION OF COUNTY BOARD TO ANNEX PART OF CITY TO TOWN, ETC.] § 21. Whenever any territory, being a part of a city, village or incorporated town, has been annexed to an adjoining town, which is wholly within the limits of a city, village or incorporated town under the provisions of an act entitled, "An act to amend sections 2, 4, 6, 7, 10, 11 and 12 of article 3 of an act entitled, 'An act to revise the law in relation to township organization, approved and in force March 4, 1874,' approved June 15, 1887, in force July 1, 1887," then and in such cases such territory which has been so annexed may be annexed to and become a part of the city, village or incorporated town within which such town lies to which such territory has been annexed in the manner following, viz.: A petition may be presented to the county board of the county within which such city may lie, signed by a majority of the legal voters of the territory so annexed to such town, and thereupon, if said county board shall find that such petition is signed by a majority of the legal voters of said territory, the county board shall thereupon, by resolution, annex such territory to said city, village or incorporated town. And upon such declaration by the county board the limits of said city, village or incorporated town shall thereupon be extended to include the territory annexed to said town: *Provided*, this section shall not be held to prohibit the annexation of such territory in any other manner as provided in this act. [§ 231, ch. 24, R. S.]

207. REPEAL.] § 22. All acts and parts of acts in conflict herewith are hereby repealed. [§ 232, ch. 24, R. S.]

208. EMERGENCY. § 23. Whereas an emergency exists, therefore this act shall be in force and take effect from and after its passage. [§ 233, ch. 24, R. S.]

CHANGING NAME.

AN ACT to enable any city, town or village in this State to change its name. [Approved March 7, 1872. In force July 1, 1872.]

209. PETITION.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That whenever a petition, signed by the qualified electors of any city, incorporated town or incorporated village of this State, equal in number to one-half of those who voted for the officers therein at the last election, shall be presented to the corporate authorities of such city, town or village, praying that the name of such city, town or village may be changed, it shall be lawful for such corporate authorities to make such change in the manner hereinafter prescribed. [§ 234, ch. 24, R. S.]

210. PROCEEDINGS.] § 2. Previous to the presentation of the petition in the preceding section mentioned, the name proposed to be given to such city, town or village shall be filed in the office of the Secretary of State, to be there retained for the period of at least 60

days, and upon application, the Secretary of State shall, at any time after the filing of such name, grant a certificate, stating that such name has not been given to any other city, incorporated town or incorporated village, or municipality in this State, if such be the fact; but if such name has been adopted by any other city, town, village or municipality, as appears from information in his office, the Secretary of State shall so notify the party or parties making such application, in which case another name shall be filed in his office, which name shall likewise remain for the like period of 60 days; and no petition shall be acted upon by said corporate authorities unless accompanied by the certificate of the Secretary of State, setting forth that such name has not been adopted elsewhere in this State. [§ 235, ch. 24, R. S.]

211. DUTIES OF SECRETARY OF STATE.] § 3. The Secretary of State shall, as soon as practicable after the passage of this act, communicate with the clerks of the several counties of this State, and ascertain the names of all the cities, towns, villages or other municipal corporations therein, and arrange such names in alphabetical order for convenient reference. Such lists of names shall be kept filed in his office, and shall be changed whenever a change of name shall be effected under the provisions of this act. [§ 236, ch. 24, R. S.]

212. TIME OF HEARING TO BE FIXED—NOTICE.] § 4. At any meeting of the corporate authorities of any city, incorporated town or incorporated village, after the presentation of the petition herein provided, such corporate authorities shall fix the time when such petition shall be considered, and order notice of the presentation thereof to be given, by publishing such notice for three successive weeks in some newspaper having a general circulation in such city, town or village. Such notice shall state that a change of the name of such city, town or village has been prayed for, and the time when action on said petition will be had, at which time remonstrances, if any, will be heard. [§ 237, ch. 24, R. S.]

213. HEARING PETITION AND REMONSTRANCES.] § 5. At the time fixed in the notice provided for in the preceding section, or if, from any cause, action thereon is not taken, such petition praying for a change of name shall be, with all remonstrances, heard at any subsequent meeting of the corporate authorities of any such city, town or village; and if said corporate authorities are satisfied that such change of name is necessary and proper, they shall thereupon make an order changing the name of such city, town or village, and adopting the name prayed for in such petition. [238, ch. 24, R. S.]

214. ORDER FILED WITH SECRETARY OF STATE—NOTICE.] § 6. If said change of name is made, said corporate authorities shall cause a copy of the order making such change to be filed in the office of the Secretary of State, who shall thereupon make known the fact of such change, by publication in some newspaper of the county in which such city, town or village is situated, and also in some newspaper in the city of Chicago; and all the courts of this State shall take judicial notice of the change thus made. [§ 239, ch. 24, R. S.]

215. RIGHTS SAVED.] § 7. Nothing in this act contained shall effect the rights or privileges of such city, town or village, or those of any person, as the same existed before such change of name. And all proceedings pending in any court or place in favor of or against said city, town or village, may be continued to final consummation under the name in which the same was commenced. [§ 240, ch. 24, R. S.]

216. WHEN CHANGE VOID.] § 8. If the name of any such city, town or village shall be changed contrary to or without complying with the provisions of this act, such change shall be void; and all proceedings instituted or acts done in such name as changed, shall be void and held for naught in the courts of this State. [§ 241, ch. 24, R. S.]

217. NAME OF UNINCORPORATED TOWN, ETC.] § 9. When the plat of any unincorporated town or village shall be placed upon record in any county of this State, the circuit court of said county shall have power, at any regular term of said court, to change the name of such unincorporated town or village, upon the petition of a majority of the legal voters residing within the limits of such town or village: *Provided*, notice of the proposed change of name shall be filed in the office of the Secretary of State, as provided in section two of this act. [§ 242, ch. 24, R. S.]

TRANSFER OF SITE.

AN ACT to authorize cities, villages, towns and the inhabitants of any limited territory holding any lands as a common, cities, villages and towns who are endangered by the washing away of the banks of any river, to transfer their site, and preserve the rights, powers and names of such cities, towns, villages or inhabitants. [Approved June 21, 1896. In force July 1, 1896. L. 1896, p. 96.]

218, MAY TRANSFER SITE AND PRESERVE RIGHTS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city, village or town incorporated under any general or special law of this State shall, by reason of the washing away of the banks of any river, be in danger of losing all, or the greater portion of the lands or territory embraced within its corporate limits; or whenever the inhabitants of any limited territory within this State, who, as such inhabitants of such territory, have any lands within this State held as a common by virtue of any grant by any person, body politic or corporate, or government having power to make such grant, shall, by reason of the washing away of the banks of any river as aforesaid, be in danger of losing all or the greater portion of the territory to the inhabitants of which such grant is made; such cities, villages, towns or the inhabitants of such territory holding under such grant shall have the right to acquire by gift or purchase suitable real estate to which the site of such city, village or town, or of the residence of the inhabitants of the territory holding under such grant, may be removed: *Provided*, said real estate shall be within three miles of the former nearest limit of said city, village, town or territory, and shall not be more than shall be reasonably necessary for the purposes of a new site. [§ 486, ch. 24, R. S.]

219. HOW PROPERTY MAY BE ACQUIRED.] § 2. That when such city, village, town or territory is endangered as mentioned in section 1 of this act, on petition in writing, describing the property sought to be acquired, and signed by not less than three-fourths of the legal voters of said city, village, town or territory, and by not less than one-half in value of the remaining territory within the limits of such city, village, town or territory, the city council or board of trustees of such city, village or town, or the trustees of such lands held as a common may, by ordinance, acquire the property described in the petition, and the same whether actually adjoining the former site or territory or not, shall, upon filing a copy of such ordinance and an accurate map of the property, duly certified by the mayor of the city, president of the board of trustees of the village or town, or trustees of such common, in the office of the recorder of deeds in the county where the acquired real estate is situated, become and be a part of such city, village, town or territory, and the inhabitants of such real estate so acquired, shall be entitled to all the corporate rights, powers, annuities, commons, benefits and franchises, which the inhabitants of such city, village, town or territory originally possessed, or to which they were entitled. [§ 487, ch. 24, R. S.]

220. WHEN TITLE OF ACQUIRED LAND VESTS.] § 3. Upon the presentation of the petition and the passage of the ordinance mentioned in section 2 of this act, such city, village, town or the inhabitants of such territory, shall have full power to acquire the title to the real estate in such petition and ordinance described, either by gift or by purchase, and a deed of conveyance to the city, village or town, by its corporate name, or to the trustees of the common, shall vest the title of said land for the purposes of this act. [§ 488, ch. 24, R. S.]

PLATS.

AN ACT to revise the law in relation to plats. [Approved March 21, 1874. In force July 1, 1874.]

221. LAYING OUT TOWNS, ETC.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Whenever the owner of lands shall wish to subdivide the same into two or more parts for the purpose of laying out a town, or making any addition to any city, village or town, or of re-subdividing any lots or blocks therein, he shall cause the same to be surveyed and a plat thereof to be made by the county surveyor or some other competent surveyor, which plat shall particularly describe and set forth all the streets, alleys, common or public grounds, and all the in and out lots or fractional lots or blocks within, adjoining or adjacent to the land so divided, giving the names, widths, courses and extent of all such streets and alleys, and numbering all lots and blocks by progressive numbers, giving their precise length and width. Reference shall also be made upon the plat to some known and permanent monument from which future surveys may be made, or, if no such monument shall exist within convenient distance, the surveyor shall, at the time of making his survey, plant, and fix in such manner that that the same shall not be moved by frost, at the

corner of some public ground, or, if there be none, then at the corner of some lot or block most convenient for reference, a good and sufficient stone, to be furnished by the person for whom the survey is made, and designate upon the plat the point where the same may be found. [§ 1, ch. 109, R. S.]

222. CERTIFICATE OF SURVEYOR—ACKNOWLEDGMENT—RECORD.] § 2. The plat having been completed, shall be certified by the surveyor and acknowledged by the owner of the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged. The certificate of the surveyor and of acknowledgment, together with the plat, shall be recorded in the recorder's office of the county in which the land is situated, and such acknowledgment and record shall have like effect and certified copies thereof and of such plat or of any plat heretofore acknowledged and certified according to law, may be used in evidence to the same extent and with like effect, as in case of deeds. [§ 2, ch. 109, R. S.]

223. DEDICATION—EFFECT OF.] § 3. The acknowledgment and recording of such plat shall be held in law and in equity to be a conveyance in fee simple of such portions of the premises platted as are marked or noted on such plat as donated or granted to the public, or any person, religious society, corporation or body politic, and as a general warranty against the donor, his heirs and representatives to such donee or grantee for their use or for the use and purposes therein named or intended, and for no other use or purpose. And the premises intended for any street, alley, way, common or other public use in any city, village or town, or addition thereto, shall be held in the corporate name thereof in trust to and for the uses and purposes set forth or intended. [§ 3, ch. 109, R. S.]

224. NEGLECT TO PLANT CORNER STONE, ETC.] § 4. Whoever shall lay out any town or make any addition to any city, village or town, or re-subdivide any lots or blocks therein, and neglect to plant any corner stone when required by this act, or shall survey the same or cause it to be surveyed in any other manner than that which is prescribed in this act, shall be fined in any sum not less than \$25 nor exceeding \$100. [§ 4, ch. 109, R. S.]

225. PENALTY FOR SELLING WITHOUT PLAT RECORDED, ETC.] § 5. Whoever shall sell or offer for sale, or lease for any time exceeding five years, any lot or block in any town, city or village, or any addition thereto, or any re-subdivision of any lot or block therein, before all the requisitions of this act have been complied with, shall be fined \$25 for each lot or block or part thereof so disposed of, offered for sale or leased. [§ 5, ch. 109, R. S.]

VACATION OF PLATS.

226. OF THE WHOLE PLAT.] § 6. Any such plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument declaring the same to be vacated,

executed, acknowledged or proved, and recorded in like manner as deeds of land, which declaration being duly recorded, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing. [§ 6, ch. 109, R. S.]

227. OF PART OF PLAT.] § 7. Any part of a plat may be vacated in the manner provided in the preceding section, and subject to the conditions therein prescribed: *Provided*, such vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat: *And, provided, further*, that nothing contained in this section shall authorize the closing or obstructing of any public highway laid out according to law. [§ 7, ch. 109, R. S.]

228. CANCELING PLAT OF RECORD.] § 8. When any plat or part thereof is vacated, the recorder in whose office the plat is recorded shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded. [§ 8, ch. 109, R. S.]

PLATS TO BE RECORDED, ETC.

229. PLATS OF HIGHWAYS, ETC., TO BE MADE AND RECORDED.] § 9. Whenever any highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered, it shall be the duty of the commissioners, authorities, officers, persons or corporations, public or private, laying out, locating, opening, widening, extending or altering the same, to cause a plat thereof showing the width, courses and extent thereof, and making such reference to known and established corners or monuments that the location thereof may be ascertained, to be made, and recorded in the office of the recorder of the county in which the premises taken or used for the same, or any part thereof, are situated, within six months after such highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered; and when any highway, road, street, alley, public ground, toll-road, railroad or canal is vacated, the order, ordinance or other declaration vacating the same shall be in like manner recorded. This act shall not be construed to alter or affect any law specifically providing for the recording of any such plat, or to require the same to be recorded sooner than is so specifically provided; except that any requirements to record such plat in any other place than is provided herein shall not excuse the parties from complying with this act. Whoever shall refuse or neglect to comply with this section shall forfeit \$25, and the like sum for every month he shall continue in such refusal or neglect after conviction therefor, to be recovered before any justice of the peace of the county, in the name of the county, one-half to the use of the county and the other half to the use of the person complaining. [§ 9, ch. 109, R. S.]

231. PROSECUTING OFFENDERS.] § 10. Whenever it shall come to the knowledge of the recorder of deeds of any county that any of the provisions of this act have been violated, it shall be his duty to notify the State's attorney of the fact, and the State's attorney shall immediately institute suit, and prosecute the same to final judgment against the person offending. [§ 10, ch. 109, R. S.]

DEFINING JURISDICTION OF CERTAIN MUNICIPALITIES.

AN ACT to define the jurisdiction of the cities and incorporated towns bordering on the Ohio river. [Approved March 26, 1872. In force July 1, 1872. L. 1871-2, p. 578.]

232. OVER OHIO RIVER.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* that each of the several cities and incorporated towns of this State, lying on the Ohio river, and bounded thereby, are hereby invested with jurisdiction over their river fronts, and shall have jurisdiction over the waters of said river, in all cases occurring on said river, and opposite to each of said cities or incorporated towns, co-extensive with the jurisdiction of the several counties in this State in which said cities or incorporated towns may lie: *Provided,* nothing herein contained shall be construed so as to extend the jurisdiction of said cities or incorporated towns over any islands in said river included within the corporate limits of any county in the State of Kentucky. [§ 243, ch. 24, R. S.]

EXTENDING JURISDICTION OF CERTAIN MUNICIPALITIES.

AN ACT to extend the jurisdiction of towns and cities on any river within or on the borders of this State, for the purpose of police regulations. [Approved and in force Feb. 16, 1866. L. 1865, p. 111.]

233. TO ENFORCE ORDINANCES ON BOATS, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* that cities and towns on any river within or on the borders of this State, shall have the right to extend and enforce their ordinances so as to include any boat or other floating structure, which shall be kept within two miles of the city or town limits, as a place for drinking spirituous liquors, or for gaming, or for the purpose of prostitution: *Provided,* no authority shall be given by this law, beyond what the law now authorizes, to interfere with any steamer or other boat, the usual business of which is the carrying of freight or passengers. [§ 244, ch. 24, R. S.]

JURISDICTION IN CONTIGUOUS COUNTIES.

AN ACT to define the jurisdiction of cities and incorporated towns and villages lying in different counties. [Approved June 18, 1891. In force July 1, 1891. Laws 1891, p. 79.]

234. EXTENDING INTO DIFFERENT COUNTIES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* that cities and incorporated towns and villages which are now or which may hereafter be incorporated or extended into different counties, shall have the right to extend and enforce their ordinances over the entire territory embraced within the limits of such cities, incorporated towns or villages for all municipal purposes. [§ 244a, ch. 24, R. S.]

235. SUIT, WHERE BROUGHT.] § 2. That whenever any provision is made by the statutes of this State that any suit or proceeding affecting lands or the assessment or collection of taxes shall be commenced by any city, incorporated town or village in any court of the county wherein such city, incorporated town or village in any court of the county wherein such city, incorporated town or village is situate, it shall be held and construed to mean in the county wherein the lands to be affected or upon which the taxes are assessed or to be assessed and collected are situate. [§ 244b, ch. 24, R. S.]

MUNICIPAL OFFICERS—VARIOUS ACTS CONCERNING POWERS, DUTIES, SALARIES, ETC. [PARAGRAPHS 236 TO 348.]

ELECTION OF PRESIDENT OF VILLAGE.

AN ACT concerning villages and incorporated towns. [Approved June 9, 1887. In force July 1, 1887. L. 1887, p. 116.]

236. ELECTION OF PRESIDENT—POWERS OF.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in addition to the trustees and officers required by law, a president of each and every village and incorporated town shall hereafter be elected annually by the voters of such village or town, at the regular election of such village or town, commencing with the election of such village or town held in the year A. D. 1888, and such president of any village or incorporated town shall hold his office for the term of one year and until his successor is elected and qualified. The president of any village or incorporated town shall be president of the board of trustees thereof, and shall preside at all meetings of said board and shall have the same powers and perform the same duties as are or may be given by law to the president of boards of trustees of villages, but he shall not vote except in case of a tie, when he shall give the casting vote. [§ 193h, ch. 24, R. S.]

237. REPEAL.] § 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. [§ 193i, ch. 24, R. S.]

ELECTION OF ALDERMEN BY MINORITY PLAN.

AN ACT in relation to the election of aldermen in cities, under the minority representation plan. [Approved and in force March 29, 1897. L. 1897, p. 96.]

238. ALDERMEN—MINORITY PLAN—COUNCIL MAY CLASSIFY.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities having adopted, or that may hereafter adopt, the minority representation plan for the election of aldermen, it shall be lawful for the city council to provide by ordinance that at any ensuing general city election, the aldermen in every alternate district or ward shall be elected for one year, and at the general city election in the following year, and every two years thereafter, aldermen in such alternate districts or wards shall be elected for two years; and that at such first election and every two years thereafter aldermen in the other districts or wards shall be elected for two years. [§ 492, ch. 24, R. S.]

239. EMERGENCY.] § 2. Whereas, an emergency exists that this act shall take effect without delay, therefore this act shall take effect and be in force from and after its passage. [§ 493, ch. 24, R. S.

***SALARIES OF CITY OFFICERS.**

AN ACT to enable the corporate authorities of cities to establish and fix the salaries of city officers. [Approved and in force April 23, 1873.]

240. WHEN TO BE FIXED—NOT CHANGED DURING TERM.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall and may be lawful for the common council or legislative authority of any city in this State to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employé over and above that provided in manner aforesaid. [§ 271, ch. 24, R. S.

241. EMERGENCY.] § 2. WHEREAS, The corporate authorities of certain cities in this State have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect, therefore, this act shall take effect and be in force from and after its passage. [§ 272, ch. 24, R. S.

COMPENSATION TO OFFICERS OF TOWNS, ETC.

AN ACT to limit the compensation of officers, agents or employés of incorporated towns or villages. [Approved June 26, 1866, in force July 1, 1866. L. 1866, p. 63.]

242. UNLAWFUL TO TAKE GREATER SUM THAN THE PERCENTAGE, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, whenever any officer, agent or employé of any incorporated town or village, hereafter to be elected or appointed, is paid by a commission or percentage on the moneys collected, handled or paid over by him, it shall be unlawful for said officer, agent or employé to receive or retain for his compensation for collecting, handling or paying over such moneys, any greater sum than that produced by such percentage or commission, and in no case shall such compensation exceed the sum of five thousand dollars (\$5,000) per annum. [§ 372, ch. 24, R. S.

* For "Compensation of aldermen and trustees" see paragraph 38, applicable to all cities, villages and incorporated towns of the State.

RESTRICTING MUNICIPAL OFFICERS.

AN ACT to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers. [Approved April 9, 1872. In force July 1, 1872. L. 1871-2, p. 612.]

243. ALDERMEN OF CITIES—TRUSTEES OF VILLAGES.] § 2. That it shall be and is hereby declared unlawful for any alderman of any city, or member of the board of trustees of any village of this State, during the term of office for which he is elected, to accept or be appointed to or hold any office, by the appointment of the mayor or president of the board of trustees thereof; and any and all such election or appointment shall be absolutely null and void. [§ 2, ch. 102, R. S.]

244. NOT TO BE INTERESTED IN CONTRACTS—NOT TO ACT AS ATTORNEY TO PROCURE—BRIBERY.] § 3. It shall not be lawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution of this State, to become in any manner interested, either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which such officer may be called upon to act or vote. And it shall not be lawful for any such officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor shall any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or a means of influencing his vote or action in his official character; and any and all contracts made and procured in violation hereof, shall be null and void. [§ 3, ch. 102, R. S.]

245. PENALTY.] § 4. Any alderman, member of a board of trustees, supervisor or county commissioner, or person now or hereafter holding any office, either by election or appointment under the constitution of this State, or any law now or hereafter in force in this State, who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof may be punished by confinement in the penitentiary for a term not less than one year nor more than five years or fined in a sum not less than \$200 nor more than \$1,000, or both, in the discretion of the court before which such conviction shall be had; and in addition thereto, any office or official position held by any person or persons so convicted shall, by the fact of such conviction, become vacant, and shall be so declared as part of the judgment of court; and the person or persons so convicted shall be disqualified from holding any office or position of trust and confidence in this State for the period of two years from and after the date of such conviction. [§ 4, ch. 102, R. S.]

VETO OF ORDINANCES.

AN ACT concerning the appointment and removal of city officers in all cities in this State, conferring additional powers and duties upon mayors, and concerning appropriation bills or ordinances that may be passed in such cities. [Approved and in force April 10, 1876. Laws 1876, p. 41.]

246. POWER OF MAYOR AND COUNCIL—REPEAL.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* [§ 273, ch. 24, R. S.]

247. APPROVAL AND VETO OF ORDINANCES.] § 2. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk, and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance, and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force; but in case the mayor shall fail to return any ordinance with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly. [§ 274, ch. 24, R. S.]

248. PASSAGE OVER MAYOR'S VETO.] § 3. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal. [§ 275, ch. 24, R. S.]

249. EMERGENCY.] § 4. Whereas, the legislative authorities in many cities pass their appropriation bills before the first day of July next, and mayors have no power to veto a part of such appropriation or ordinance, wherefore an emergency exists; therefore, this act shall take effect, and be in force from and after its passage. [§ 276, ch. 24, R. S.]

LICENSE OF TRANSIENT VENDERS.

AN ACT to extend the powers of the city council in cities, and the president and board of trustees in villages and incorporated towns. Approved June 16, 1887. In force July 1, 1887. Laws 1887, p. 117.

250. POWER TO LICENSE, TAX, ETC., ITINERANT MERCHANTS, ETC.] § 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to license, tax, regulate, suppress or prohibit itinerant merchants and transient venders of merchandise. [§ 62a, ch. 24, R. S.]

POLICE MAGISTRATES.

AN ACT to authorize the election of police magistrates in towns, cities and villages where the same are not now provided for by law. [Approved and in force April 12, 1876, p. 91.]

251. ELECTION AND TERM OF OFFICE—JURISDICTION.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all towns, cities and villages in the State which have been incorporated under charters granted by special acts, or under a general act, when the law under which they are incorporated does not authorize the election of a police magistrate, be and they are hereby authorized to elect one police magistrate at the first annual election of town, city or village officers that shall occur after the passage of this act, and quadrennially thereafter. Such police magistrate shall hold their offices for the same term, be commissioned and qualified, and have the same jurisdiction and fees, as police magistrates of villages have under the general law for the incorporation of cities and villages. [§ 249, ch. 24, R. S.]

252. EMERGENCY.] § 2. As the first annual election of town, city and village officers in many of the towns, cities and villages in this State by this act authorized to elect a police magistrate, will occur before the first day of July next after the adjournment of this General Assembly; therefore an emergency exists requiring this act to take effect immediately, therefore this act shall take effect and be in force from and after its passage. *Provided,* that the election for police magistrates in cities that have one or more police magistrates, elected under a former organization as a town or city, shall not be held until the term for which said police magistrate or magistrates were elected has expired. [§ 250, ch. 24, R. S.]

POLICE MAGISTRATES.

AN ACT defining the county in which police magistrates, elected in cities and villages lying in two or more counties shall hold office, and where such police magistrate shall exercise jurisdiction. [Approved May 14, 1901. In force July 1, 1901. L. 1901, p. 99.]

253. § 1. CITY OR VILLAGE LYING IN TWO COUNTIES—WHERE POLICE MAGISTRATE SHALL HOLD OFFICE—JURISDICTION IN TOWNSHIP.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That police magistrates in cities and villages lying in two or more counties, shall hold their office in the county in which the seat of the municipal government of such city or village is situated, irrespective of the portion of such city or village where such police magistrate may reside, and such police magistrate shall have the same authority and jurisdiction as justices of the peace of the township, or precinct, in the county in which the seat of such municipal government of such city or village is situated. [§ 250a, ch. 24, R. S.]

254. JURISDICTION IN MUNICIPAL LIMITS.] § 2. Such police magistrate shall also have jurisdiction over all cases growing out of such municipal government arising within the municipal limits of such village or city that are now within the jurisdiction of justices of the peace. [§ 250b, ch. 24, R. S.]

POLICE MAGISTRATES—JUDGMENTS OF CERTAIN LEGALIZED.

AN ACT to legalise the acts of police magistrates in counties of the first and second class
[Approved and in force April 24, 1899. L. 1899. p. 100.]

WHEREAS, By section 29, article 6, of the constitution of Illinois, 1870, it is provided that all judicial officers shall be commissioned by Governor; and

WHEREAS, By a misunderstanding and misconception of the law certain police magistrates have filed their bonds with the city clerk of their city, and the mayor of said city has issued to them a commission;

WHEREAS, The said police magistrates have entered upon the duties usually pertaining to such office and did from thenceforth continue in supposed legal possession of such office, transacting such business as came before them; and

WHEREAS, There came before the said police magistrates so acting, many proceedings whereby many titles to real estate and other valuable property rights and other rights were acquired and divested; therefore.

255. ELECTION AND QUALIFICATION AND ACTS OF CERTAIN POLICE MAGISTRATES LEGALIZED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all judgments, acts, and things done by said supposed police magistrates which would have been legal if done or performed by legally elected, qualified and commissioned police magistrates, and which have not been set aside, modified or vacated, are hereby legalized and validated as fully and perfectly, and to all intents and purposes, as if said police magistrates had regularly filed their bonds and been duly commissioned by the Governor. And that the election and qualification of such pulice magistrates are hereby legalized. [§ 250c, ch. 24, R. S.

256. EMERGENCY.] § 2. Whereas, an emergency exists by reason of said police magistrates not having been duly qualified and commissioned, whereby many titles to real estate and other valuable property rights and other rights became and are unsettled, therefore this act shall take effect and be in force from and after its passage. [§ 250d, ch. 24, R. S.

SPECIAL CONSTABLES AND SPECIAL POLICEMEN.

AN ACT entitled. "An act to prevent non-residents from serving or acting as deputy sheriffs, special policemen or special constables." [Approved June 19, 1899, in force July 1, 1899. L. 1899, p. 2.]

257. NON-RESIDENT NOT TO BE SHERIFF, SPECIAL POLICEMAN, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for the sheriff of any county, or the corporate authorities of any city, town or village to authorize, empower, employ or permit any person to act as deputy sheriff, special constable or special policeman for the purpose of preserving the peace who is not a citizen of the United States and has not been an actual resident of the county where such person is authorized to act as deputy sheriff, special constable or special policeman one whole year before such authorization. [§ 444, ch. 24, R. S.

258. PENALTY.] § 2. Any sheriff or public officer violating the provision of this act shall be deemed guilty of a misdemeanor, and shall on conviction, be punished by a fine of not less than \$100 and not more than \$500. [§ 445, ch. 24, R. S.]

APPOINTMENT OF POLICE MATRONS.

AN ACT to provide for the appointment of police matrons in cities having 16,000 inhabitants or more. [Approved May 26, 1897. in force July 1, 1897. L. 1897, p. 99.]

259. APPOINTMENT OF POLICE MATRONS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all incorporated cities in this State, having a population of 16,000 inhabitants or more, it shall be the duty of the mayor of such city, subject to confirmation by the council of such city, to appoint for the term of one year, one or more police matrons, who shall have charge of all female prisoners in their respective cities, in the police station, city prison, workhouse, or calaboose of such city, and who shall perform such duties in that regard as shall be prescribed by the ordinances of such city: *Provided*, in cities of over 50,000 inhabitants they need not be confirmed by the council or board of trustees. [§ 490, ch. 24, R. S.]

260. SALARIES OF POLICE MATRONS.] § 2. The salaries to be paid to each of said matrons shall be fixed annually by the council or president and, as the case may be, out of the funds to be duly appropriated for that purpose. [§ 490a, ch. 24, R. S.]

POLICE DISTRICTS.

AN ACT to define police districts, and the powers and duties of the police therein. [Approved and in force May 13, 1897. L. 1897, p. 104.]

261. WHAT SHALL BE A POLICE DISTRICT.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the territory which is embraced within the limits of adjoining cities, villages and incorporated towns, within any county in this State shall be a police district. [§ 251, ch. 24, R. S.]

262. POLICE MAY GO INTO ANY PART OF SUCH DISTRICT TO SUPPRESS RIOT, ETC.—DUTY OF MAYOR.] § 2. It shall be lawful for the police of any city, village or incorporated town in such district to go into any part of such district to suppress riot, to preserve the peace and protect the lives, rights, and property of citizens, and for such purposes it shall be the duty of the mayor of any city, the president or the president and board of trustees of any village or incorporated town in such district, and the chiefs of police therein, to use the police forces under their control anywhere in such district. [§ 252, ch. 24, R. S.]

263. EMERGENCY.] § 3. WHEREAS, an emergency exists, this act shall be in force from and after its passage. [§ 253, ch. 24, R. S.]

FIRE INSPECTORS.

AN ACT empowering the fire inspector in cities of 500,000 and over, to investigate the cause, origin and circumstances of fires, and to examine persons under oath in reference to the origin of fires. [Approved June 9, 1897. In force July 1, 1897. L. 1897, p. 96.]

264. FIRE INSPECTOR TO INVESTIGATE CAUSE, ETC., OF FIRES IN CHICAGO.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The fire inspector of cities of 500,000 and over, shall investigate the cause, origin and circumstances of every fire occurring in cities aforesaid, and shall especially make investigation whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including the Lord's day, of the occurrence of such fire, and the fire inspector shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The said fire inspector shall keep in his office a record of all fires occurring in cities aforesaid, together with all the facts, statistics and circumstances, including the origin of the fire and the value and ownership of the property destroyed which may be determined by the investigations provided for by this act, and such record shall at all times be open to public inspection. [§ 494, ch. 24, R. S.]

265. DUTIES AND POWERS OF FIRE INSPECTORS.] § 2. It shall be the duty of said fire inspector to examine, or cause examination to be made, into the cause, circumstances and origin of all fires occurring in cities aforesaid, to which his attention has been called, by which property is accidentally or unlawfully burned, destroyed or damaged, and to especially examine and decide whether the result was caused by carelessness or act of an incendiary. The said fire inspector shall, when, in his opinion said proceedings are necessary, take, or cause to be taken, the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person guilty of the crime of arson, he shall cause such person to be arrested charged with such offense, and shall furnish to the State's attorney all such evidence, together with the names of the witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case, and he shall report to the Insurance Superintendent, as such Superintendent shall require, his proceedings and the progress made in all prosecutions of arson and the result of all cases which are finally disposed of. [§ 495, ch. 24, R. S.]

266. FIRE INSPECTOR TO HAVE POWER OF TRIAL JUSTICE—ADMINISTER OATHS—MAY EXAMINE ANY BUILDING IN DAY OR NIGHT.] § 3. The said fire inspector shall have the powers of a trial justice for the purpose of summoning and compelling the attendance of witnesses before him to testify in relation to any matter which is, by provisions of this act, a subject of inquiry and investigation. Said fire inspector may also administer oaths and affirmations to persons appearing as witnesses before him; and false swearing in any matter or proceeding aforesaid, shall be deemed perjury, and shall be punished as

such. Said fire inspector and his subordinates shall have authority at all times of the day or night, in the performance of the duties imposed by the provisions of this act, to enter upon an examination of any building or premises where a fire has occurred, and other buildings and premises adjoining or near to the same. All investigations held by or under the direction of the fire inspector may, in his discretion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and the witnesses may be kept separate and apart from each other, and not allowed to communicate with each other until they have been examined. [§ 496, ch. 24, R. S.]

267. OWNER—PENALTY FOR FAILING TO COMPLY WITH ORDERS OF FIRE INSPECTOR.] § 4. Any owner or occupant of buildings or premises failing to comply with the orders of the fire inspector, as above specified, shall be punished by a fine of not less than \$10.00 nor more than \$50.00 for each day's neglect. And if the fire inspector neglects or refuses to comply with any of the requirements of this act, he shall be punished by a fine of not less than \$25 00 nor more than \$200.00. [§ 497, ch. 24, R. S.]

LABOR ON STREETS.

AN ACT providing for labor on the streets and alleys of all cities and villages in this State. [Approved May 31, 1879. In force July 1, 1879. L. 1879, p. 79.]

268. LABOR ON STREETS, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council in all cities and the president and board of trustees in all villages in this State, may have power, by ordinance, to require every able bodied male inhabitant of any such city or village, above the age of 21 years, and under the age of 50 years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village, not more than two (2) days in each year; but such ordinance shall provide for commutation of such labor at 75 cents per day. [§ 289, ch. 24, R. S.]

269. FINES AND PENALTIES.] § 2. Any such city council or president and board of trustees or any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act. [§ 290, ch. 24, R. S.]

FERRIES AND BRIDGES.

AN ACT to amend an act entitled, "An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same," approved and in force May 5, 1879, as amended by an act approved June 16, 1891. [Approved June 9, 1897. In force July 1, 1897. L. 1897, p. 92.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section 1 of an act entitled, "An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same," approved and in force May 5, 1879, as amended by an act approved June 16, 1891, be amended, with the title thereto, so as hereafter to read as follows:

An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same; also, to construct, improve and maintain roads outside of their corporate limits; also, to donate money to aid townships in building, constructing and improving ferries, bridges and roads outside of their corporate limits.

270. BRIDGES—FERRIES—LIMITS — TOLL — INDEBTEDNESS — HOW PAID.] § 1. That it shall be lawful for any city or village within this State to build, or acquire by purchase, lease or gift, and to maintain ferries and bridges, and the approaches thereto, for each ferry or bridge within the corporate limits, or within five (5) miles of the corporate limits of such city or village; also, to construct, improve and maintain roads within five (5) miles of the corporate limits of such city or village connecting with such bridges or ferries on either side thereof; also, to donate money to aid the township or townships in which such ferry, bridge or road connecting with the same is situated, in building, constructing or improving the same, and to issue the bonds of such city or village for such purpose. That all such ferries, bridges and roads shall be free to the public, and no toll shall ever be collected by any such city or village authority: *Provided*, that where any city or village has become or is the owner of any toll bridges or ferries and is keeping up and maintaining the same by authority of law, all ownership and rights vested in such city or village shall continue in and be held and exercised by them, and they may from time to time fix the rates of toll on such bridges and ferries: *And provided further*, that in all cases where a bridge shall hereafter be built, or a ferry acquired across a navigable stream, by any city or village, in whole or in part, where the population of such city or village furnishing the principal part of the expenses thereof shall not exceed five thousand (5,000) inhabitants, and where it is necessary to maintain a draw and lights, and a debt shall be incurred by such city or village for such purpose, then a reasonable toll may be collected by the city or village contracting such indebtedness, to be set apart and appropriated to the payment of such indebtedness, interest thereon and the expenses of keeping such bridge in repair and of maintaining, opening and closing the proper draws therefor and lights; or in case of a ferry, keeping the approaches and boat in repair and operating the same. [§ 194, ch. 24, R. S.]

271. CONTROL BY CITY.] § 2. Every bridge or ferry so owned or controlled by such city or village, and the approaches thereto, when outside the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes and in effect as though such bridge or ferry and the approaches thereto, were situated within the corporate limits of such city or village, and in such case the county may assist in the construction of said bridge, as is now provided by law. [§ 194a, ch. 24, R. S.]

TRAVEL ON BRIDGES IN CITIES, TOWNS, ETC.

AN ACT to regulate the manner of travel upon bridges, the whole or a part of which are owned or controlled by cities, villages and towns of this State, and to provide for the enforcing of the same. [Approved and in force May 12, 1879. L. 1879, p. 75.]

272. PENALTY FOR FAST DRIVING, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* that whoever shall ride or drive faster than a walk, over any bridge in this State, owned or controlled, either the whole or a part thereof, by any city, village or town of this State, shall, for each offense, be fined in a sum not exceeding \$10 nor less than \$1: *Provided*, that a notice shall be posted on such bridge, warning against riding, or driving, on such bridge, faster than a walk, such fine to be recovered, with costs, before any justice of the peace or police magistrate of the county where the offense is committed, upon sworn complaint in writing, upon which a warrant for the arrest of the offender shall issue, and it shall be the duty of every constable of the county, and every marshal, policeman and police constable, and all other officers of such city, village or town, owning or controlling the whole or in part such bridge, having the power to make arrests, whenever aforesaid offense is committed in the view of such officer or officers, to forthwith take in custody the person or persons so committing aforesaid offense, and bring him or them before any justice of the peace or police magistrate of the county, to be dealt with according to law, and such officer so taking in custody such offender, or any officer of such city, village or town, owning or controlling the whole or a part of such bridge where such offense is committed, may make the complaint upon which warrant shall issue against the offender, all fines collected under this act, shall be paid into the common school fund of the county. Whereas, the law is inadequate for the protection of bridges which are owned or controlled, the whole or a part thereof, by cities, villages and towns of this State, therefore an emergency exists, and this act shall take effect from and after its passage. [§ 194b., ch. 24, R. S.]

CONVEYANCE OF REAL ESTATE BY MUNICIPALITIES.

AN ACT to authorize cities and villages to convey real estate held by them for school or academy purposes to the proper school officers. [Approved June 27, 1885. In force July 1, 1885. L. 1885, p. 59.]

273. HOW CITY OR VILLAGE MAY CONVEY REAL ESTATE HELD FOR SCHOOL PURPOSES.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any city or village, incorporated under any general or special law of this State, which shall hold any real or personal estate which shall have been conveyed to such city or village, by virtue of any general or special law of this State, or otherwise, for school or academy purposes, is hereby authorized and empowered, by ordinance or resolution of the city council of any such city, and the president and board of trustees of any such village, to cause such real or personal estate to be conveyed and transferred to the proper school officers, authorized to hold the same, for the use of the district in which such real or personal

estate shall be situated, by proper deed or deeds of conveyance, executed by the proper officers of such city or village, under the common seal thereof. [§ 374, ch. 24, R. S.]

274. WHEN REAL ESTATE CEASES TO BE USED FOR SCHOOL PURPOSES.] § 2. That if any real estate conveyed by virtue of this act, shall, at any time, cease to be used for school purposes for a period of three years, then it shall be the duty of the school officers, holding the title to such real estate, to convey the same back to said city or village to be by it thereafterwards held, enjoyed and disposed of as other corporate property, which condition shall be inserted in any deed made by any such city or village by virtue of this act. Said reconveyance, in case of the non-use of such real estate for the period aforesaid, may be compelled and enforced by any taxpayer of said city or village by proper proceedings to be instituted by him for that purpose. [§ 375, ch. 24, R. S.]

275. TRUSTEES UNDER SPECIAL CHARTER—RIGHTS OF.] §. 3 That in all cases where any such real or personal estate shall have been under the control of any trustees, appointed or elected by virtue of any general or special law of this State, that whenever such estate shall be conveyed as aforesaid, that the duties of such trustees, in relation thereto shall cease and determine, and it shall be their duty to immediately settle and adjust all matters relating to such trust or estate and make report to the proper authorities of their acts and doings, upon the approval of which said trustees will be released and discharged from the further performance of duty in that behalf. All moneys which may remain in the treasury of such city or village, to the credit of any fund connected with the use of such real or personal estate, while so held by such city or village, shall be used by such city or village for any lawful corporate purpose. [§ 376, ch. 24, R. S.]

276. REPEAL. § 4. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed. [§ 377, ch. 24, R. S.]

CONVEYANCE OF REAL OR PERSONAL ESTATE BY MUNICIPALITIES.

AN ACT to authorize cities and villages to convey any real or personal estate, or their right and title therein, when the same shall be no longer necessary for, or profitable to, or its longer retention be for the best interests of such city or village. [Approved March 22, 1890. In force July 1, 1890. L. 1890, p. 85.]

277. CITY COUNCIL OR BOARD OF TRUSTEES MAY PASS ORDINANCE TO SELL REAL OR PERSONAL ESTATE NO LONGER NECESSARY.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any city or village incorporated under any general or special law of this State, which shall have acquired or hold any real or personal estate for any purpose whatsoever, is hereby authorized and empowered by ordinance passed by three-fourths of the members of the city council of any such city, or of the board of trustees of any such village, at any regular or at any special meeting called for such purpose, to sell such property when the same shall, in the opinion of such majority of such city council or board of

trustees, be no longer necessary, appropriate or required for the use of such city or village, or profitable to, or its longer retention be for the best interests of, such city or village. [§ 378, ch. 24, R. S.]

278. WHAT ORDINANCE SHALL SPECIFY—NOTICE OF SALE—OPENING OF BIDS, ETC.] § 2. Such ordinance shall specify the location of such real or personal estate, and the use thereof, of whatever kind the same may be, and before any sale shall be made under or by virtue of any such ordinance, by the city council of any such city, or the board of trustees of any such village, such ordinance and proposal to sell shall be published in one of its daily or weekly papers for a period of not less than sixty days, and if no paper be published in such city or village, then it shall be published in some paper of general circulation in this State nearest to such city or village. Such notice shall contain an accurate description of such property, the purpose for which it is used; and at what meeting the bids will be considered and opened, and shall advertise for 60 days for bids therefor. All such bids shall be opened only at a regular meeting of such city council or board of trustees, and shall be accepted only upon a vote of three-fourths of the members of such city council or board of trustees: *Provided, however,* that the city council or board of trustees may, by a majority vote, reject any and all bids. [§ 379, ch. 24, R. S.]

279. BY WHOM AND WHEN CONVEYANCE TO BE MADE.] § 3. Upon any bid having been accepted, and the purchase price duly paid or secured, the mayor and city clerk, or the president of the board of trustees and the clerk of such board, shall have the power to convey such real or personal estate and transfer the same to such party or parties whose bids have been accepted, by proper deed or deeds of conveyance, stating therein the price therefor, with the seal of the corporation. [§ 380, ch. 24, R. S.]

CONVEYANCE OF REAL ESTATE BY MUNICIPALITIES.

AN ACT to permit towns, cities and villages incorporated by special charter to convey real estate for school purposes. [Approved May 21, 1887. In force July 1, 1887. L. 1887, p. 127.]

280. HOW TOWN, CITY OR VILLAGE MAY CONVEY REAL ESTATE FOR SCHOOL PURPOSES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any town, city or village incorporated by a special charter granted by the General Assembly of the State of Illinois, holding title to or having an interest in any real estate, may, by proper deed of conveyance, executed by the corporate authorities of said town, city or village, when authorized by ordinance, sell and convey the same to the trustees of schools of the township in which such real estate is situated, to be used as a school site for the school district in which such real estate is situated. [§ 381, ch. 24, R. S.]

LOCAL IMPROVEMENTS.

AN ACT to provide for reports to be made by the board of local improvements to the city council or board of trustees, and in reference to the repealing of ordinances for local improvements. [Approved and in force May 10, 1901. L. 1901, p. 100.]

281. REPEAL OF ORDINANCE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* No repeal of any ordinance ordering an improvement shall be made except on written recommendation of the board of local improvements (stating therein its reasons therefor.) [§ 605a, ch. 24, R. S.]

282. BOARD TO REPORT TO COUNCIL.] § 2. It shall be the duty of the board of local improvements to submit to the city council, or board of trustees, as the case may be, during the months of May and October of each year, for three years following the completion of any public work, a written report of its condition based upon a careful examination of the same by said board of local improvements, or by its representative, who shall be an experienced and capable man of good character: *Provided* this act shall not apply to cities or villages in this State having a population of less than 100,000. [§ 605b, ch. 24, R. S.]

283. EMERGENCY.] § 3. WHEREAS, A great number of improvements are being delayed on account of the hardships inflicted upon property owners under the present statutes, therefore an emergency exists, and this act shall take effect from and after its passage. [§ 605c, ch. 24, R. S.]

CITY COURTS.

AN ACT in relation to courts of record in cities. [Approved May 10, 1901. In force July 1, 1901. L. 1901, p. 136.]

284. STYLE OF COURT—JURISDICTION.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The several courts of record now existing in and for cities, and such as may hereafter be established in and for any city in this State, shall severally be styled "The city court of (name of city)," and shall have concurrent jurisdiction with the circuit courts within the city in which the same may be, in all civil cases and in all criminal cases arising in said city, and in appeals from justices of the peace in said city; and the course of procedure and practice in such courts shall be the same as in the circuit courts, so far as may be. [§ 240, ch. 37, R. S.]

285. SEAL.] § 2. Such courts shall have a seal, and may, from time to time, as may be necessary, renew the same; the expense of such seal, and renewing the same, shall be paid by the city in which such court is or may be established. [§ 241, ch. 37, R. S.]

286. PLACE OF HOLDING.] § 3. Such court shall be held at such place in said city as may be provided by the corporate authorities thereof; but if such place shall become unfit, or if no place shall be provided by such authorities, the court may, by an order to be entered of record, adjourn to or convene at a suitable place for the holding of a court within said city, and at such place may hold said court until a suitable place therefor be furnished by such corporate authorities, the expense whereof shall be borne by said city. [§ 242, ch. 37, R. S.]

287. STATIONERY.] § 4. All blanks, books, papers, stationery and furniture necessary to the keeping of a record of the proceedings of such court, and the transaction of the business thereof, shall be furnished the officers of such court by the corporate authorities at the expense of the city. [§ 243, ch. 37, R. S.]

288. ELECTION AND QUALIFICATION OF JUDGES—POWERS—VACANCY.] § 5. The judges of such courts respectively shall be elected by the qualified voters of such city in the same manner that the city officers of such city are elected, but not at the same time, and shall hold their offices for the term of four years, and until their successors are elected and qualified. They shall qualify and be commissioned in the same manner, be vested with the same powers and perform the same duties as circuit judges, and have the right to appoint a court reporter on the same terms as the circuit court, and shall be styled "judge of the city court of (name of city.)" Vacancies in such office shall be filled for the unexpired term at a special election to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by appointment by the Governor. [§ 244, ch. 37, R. S.]

289. EXCHANGE, ETC.] § 6. Such judges may, with like privileges as the judges of circuit and county courts, interchange with each other, and with the judges of circuit, superior, county and probate courts, and may hold court for each other, and for judges of circuit, superior, county and probate courts, and perform each other's duties, and the duties of judges of circuit, superior, county and probate courts, when they find it necessary or convenient. [§ 245, ch. 37, R. S.]

290. CLERKS.] § 7. There shall be elected, in like manner as judges are elected, for each of such courts, a clerk, who shall hold his office for a term of four years, and until his successor shall be elected and qualified. He shall be commissioned, have the same powers, perform the same duties, be subject to the same liabilities, and be entitled to like fees as are now, or may hereafter, from time to time, be provided by law in regard to circuit clerks, in the county in which said city may be situated. Vacancies in such offices shall be filled, for the unexpired term, at a special election to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year such vacancy shall be filled by appointment by the judge of the court: *Provided*, that a clerk *pro tempore* may be appointed by the judge thereof, when necessary. [§ 246, ch. 37, R. S.]

291. DUTIES OF SHERIFF—STATE'S ATTORNEY.] § 8. The sheriff and state's attorney of the county in which such city may be situated, shall each perform the same duties in said court, and in respect thereto, and the process thereof, and have the same power, be subject to the same liabilities and penalties, and be entitled to the same fees as in the circuit court of such county; and the sheriff shall appoint one or more deputies for such court, for the convenience of the business therein, who shall reside in the city where such court is estab-

lished, and the judge of such court shall have power to appoint a state's attorney *pro tempore* in any of the cases where the circuit court or the judge thereof may appoint. [§ 247, ch. 37, R. S.]

292. MASTER IN CHANCERY.] § 9. A master in chancery for such court shall be appointed by the judge thereof, who shall hold his office for the same time, and qualify in the same manner, be subject to the same liabilities, have the same powers, perform the same duties, and be entitled to the same fees and compensation with respect to said court and matters therein as other masters in chancery. [§ 248, ch. 37, R. S.]

293. TERMS OF COURT.] § 10. There shall be two or more regular terms of court in each year, to be held at such times as may be fixed by an order of the court from time to time, and entered of record, which order shall be published in some newspaper published in the city at least forty days before holding the first term of court under the same; and such order shall not be changed subsequently, except by an order of court entered of record at the term preceding said change, and published in like manner. Special terms may be called and held in the same manner and with like effect as special terms of the circuit court, and subject to the same limitations: *Provided*, that in the city of Chicago, should such a court be established therein, there shall be held a term of such court every month in the year, commencing upon the first Monday of each month, and no order of court or publication shall be necessary in order to hold such terms. [§ 249, ch. 37, R. S.]

294. ADJOURNMENTS, ETC.] § 11. The same rules in regard to the adjournment of such courts upon the non-attendance of a judge thereof, as are, or may be provided by law in regard to circuit courts, shall apply to such courts; and the said city courts, and the judges thereof, shall have the same power, with respect to adjournments as the circuit courts and the judges thereof, now, or hereafter may have by law, and the adjournments of a term in such courts shall have the like effect of an adjournment in the circuit courts. [§ 250, ch. 37, R. S.]

295. APPEALS AND WRITS OF CERTIORARI.] § 12. Appeals shall be taken in the first instance from the judgment of the justices of the peace or police magistrates in the city to the city court. Writs of certiorari may issue to remove cause from before such officers to the city court, there to be heard and determined in like manner as in the circuit court. [§ 251, ch. 37, R. S.]

296. RECOGNIZANCE—CITY PRISON—SHERIFF TO BE THE KEEPER—COSTS.] § 13. All recognizances taken by any justice of the peace, police magistrate or other officer of the city, in criminal cases, when the offense is committed in the city, shall be made returnable to the city court of such city; and in all such cases the defendant may be confined in a city prison if the same be provided for that purpose by such city. The sheriff of the county shall be the keeper and have the custody of such prisoners: and the cost of feeding and keeping such prisoners shall be paid out of the county treasury on the certificate of the sheriff, verified by his affidavit: *Provided*, that in

cities of over one hundred thousand (100,000) population recognizances may be returnable to any criminal court in said city. [§ 252, ch. 37, R. S.]

297. VENUE.] § 14. Change of venue from city courts, for the same causes and in the same manner, may be taken as from circuit courts, and the cases sent to the circuit court of the county, or to some other convenient court of record, where the cause complained of does not exist: *Provided*, where the cause is the prejudice of the judge, another city, circuit or county judge may be substituted by the consent of the parties, and if they can not agree, then by the judge of such court. [§ 253, ch. 37, R. S.]

298. WRITS—ORDERS—JUDGMENTS, ETC., A LIEN AFTER TRANSCRIPT FILED IN CIRCUIT COURT.] § 15. The writs and process of such city courts shall be issued and executed in the same manner, and shall have the same force and effect, as the writs and process of circuit courts. Orders, judgments and decrees of city courts shall have the same force, be of the same effect, and shall be executed and enforced in the same manner as judgments, orders and decrees of circuit courts; such judgments and decrees shall be a lien upon the real estate in such city from the time of their rendition; and in the county, wherein such city court is situate, after a certified transcript of the same shall have been filed in the office of the clerk of the circuit court of the said county, which transcript shall contain the names of the parties of the suit, the kind of action, the amount of the judgment, or the general nature or effect of the decree, as the case may be, and the terms and time at which the suit was disposed of. [§ 254, ch. 37, R. S.]

299. TRANSCRIPT BOOK.] § 16. The clerk of the circuit court of the county shall provide and keep in his office, for each city court in his county, a well bound book, or books, for entering therein an alphabetical docket of all judgments and decrees rendered in said city courts, as is now required by law for docketing judgments and decrees rendered in the circuit court; and shall forthwith, after the filing of any such transcript, enter the same therein, together with the hour, day, month and year of the filing of such transcript and the general number thereof. [§ 255, ch. 37, R. S.]

300. TRANSCRIPT FEES.] § 17. In addition to the fees now allowed by law, the clerk of the said city courts shall be allowed to charge and receive a fee of 50 cents for each certified transcript, as aforesaid, and the clerk of the circuit court shall be allowed to charge and receive a fee of 50 cents for filing and entering the same. [§ 256, ch. 37, R. S.]

301. APPEALS—ERROR.] § 18. Appeals may be taken and writs of error prosecuted from city courts to the appellate and supreme courts the same as in like cases from circuit courts. [§ 257, ch. 37, R. S.]

302. FEES OF JURORS—HOW PAID.] § 19. The fees of the grand and petit jurors for such courts, including the fees for summoning

the same, shall be paid out of the county treasury of the county wherein such court is established, upon the certificate of the clerk of such court. [§ 258, ch. 37, R. S.]

303. COURTS CONTINUED.] § 20. The several courts of record now established, in and for cities, are hereby continued, under the name and style of "The city court of (name of city)," with all the power and jurisdiction conferred by this act. [§ 259, ch. 37, R. S.]

304. COURTS—HOW ESTABLISHED AND ABOLISHED.] § 21. A city court, consisting of one or more judges, not exceeding five, and not exceeding one judge for every 50,000 inhabitants, may be organized and established under this act, in any city which contains at least 3,000 inhabitants, whenever the common or city council shall adopt an ordinance or resolution to submit the question whether such court shall be established consisting of one or more judges, not exceeding five, as may be specified in such ordinance or resolution, to the qualified voters of such city, and two-thirds of the votes cast at such election shall be in favor of the establishment of such court. Where such court is established with more than one judge, each judge may hold a separate branch thereof at the same time, and when holding such separate branch, each judge may exercise all the powers vested in such court. Such elections shall be held and conducted, the returns thereof made and canvassed, and the result declared in the same manner as other city elections. To discontinue and disestablish any such court, precisely the same mode of procedure shall be requisite and necessary, and be resorted to as for the organization of such court. Save that the discontinuance and disestablishment shall not take effect until at the expiration of the term of office of the then judge of said court. In the event of the discontinuance and disestablishment of any such court, the clerk thereof shall transfer and deliver to the clerk of the circuit court of the county in which such city court is situated, all records, judgments and processes in possession of himself or any other officer of said court, and the circuit court shall thereupon acquire and be vested with jurisdiction in the matters to which said records, judgments or process relate, and may be dealt with as original records of such circuit court: *Provided*, it shall be lawful for the city council in any city where a city court has been established under this act, and there is no judge or clerk of such court residing within such city, and such court has ceased to do business for two years or more, to pass an ordinance or resolution abolishing such court, and authorize the city clerk of such city to transfer and deliver the records, judgments and process of such court to the circuit court of the county in which such court is situated in like manner and with like effect, as if such had been transferred by the clerk of such city court. [§ 260, ch. 37, R. S.]

305. ELECTION OF JUDGE AND CLERK.] § 22. Whenever the establishment of a city court shall be authorized as provided in the foregoing section, it shall be the duty of the corporate authorities to order an election for judge and clerk; and when the judge and clerk

shall be duly elected, qualified and commissioned, such court shall be deemed organized and established according to law. [§ 261, ch. 37, R. S.]

306. JUDGE'S SALARY.] § 23. The judges of said court shall be allowed and receive as an annual salary in lieu of all other fees, perquisites or benefits whatsoever in cities having a population not exceeding five thousand (5,000) inhabitants, the sum of five hundred dollars (\$500) to be paid out of the city treasury; and in cities having more than 5,000 and less than 8,000 inhabitants, the sum of fifteen hundred dollars (\$1,500); and in cities having more than eight thousand (8,000) inhabitants and less than twenty-five thousand (25,000) inhabitants, the sum of two thousand dollars (\$2,000); and in cities having more than twenty-five thousand (25,000) inhabitants, the sum of three thousand dollars (\$3,000) to be paid out of the city treasury. [§ 262, ch. 37, R. S.]

307. REPEAL.] § 24. All acts or portions thereof in conflict herewith are hereby repealed. [§ 263, ch. 37, R. S.]

TO REGULATE THE CIVIL SERVICE OF CITIES.

AN ACT to regulate the civil service of cities. [Approved and in force March 20, 1895. L. 1895, p. 85.]

308. COMMISSIONERS APPOINTED—OATH.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The mayor of each city in this State which shall adopt this act as hereinafter provided shall, not less than 40 nor more than 90 days after the taking effect of this act in such city, appoint three persons, who shall constitute and be known as the civil service commissioners of such city, one for three years, one for two years, and one for one year from the time of appointment and until their respective successors are appointed and qualified; and in every year thereafter the mayor shall, in like manner, appoint one person as the successor of the commissioner whose term shall expire in that year to serve as such commissioner for three years and until his successor is appointed and qualified. Two commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be so made that not more than two members shall, at the time of appointment, be members of the same political party. Said commissioners shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the constitution of this State. [§ 446, ch. 24, R. S.]

309. REMOVAL OF COMMISSIONERS—VACANCY.] § 2. The mayor may, in his discretion, remove any commissioner for incompetence, neglect of duty, or malfeasance in office. The mayor shall within ten days report in writing any such removal to the city council, with his reasons therefor. Any vacancy in the office of commissioner shall be filled by appointment by the mayor. [§ 447, ch. 24, R. S.]

310. CLASSIFICATION.] § 3. Said commissioners shall classify all the offices and places of employment in such city with refer-

ence to the examinations hereinafter provided for, except those offices and places mentioned in section 11 of this act. The offices and places so classified by the commission shall constitute the classified civil service of such city; and no appointments to any of such offices or places shall be made except under and according to the rules hereinafter mentioned. [§ 448, ch. 24, R. S.]

311. RULES.] § 4. Said commission shall make rules to carry out the purposes of this act, and for examinations, appointments and removals in accordance with its provisions, and the commission may, from time to time, make changes in the original rules. [§ 449, ch. 24, R. S.]

312. PUBLICATION OF RULES—TIME OF TAKING EFFECT.] § 5. All rules made as hereinbefore provided, and all changes therein shall forthwith be printed for distribution by said commission; and the commission shall give notice of the place or places where said rules may be obtained, by publication in one or more daily newspapers, published in such city, and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication, when said rules shall go into operation. [§ 450, ch. 24, R. S.]

313. EXAMINATIONS.] § 6. All applicants for offices or places in said classified service, except those mentioned in section 11, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health and, when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examination as the commission may direct, and to make return or report thereof to said commission, and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the commission may themselves at any time act as such examiners, and without appointing examiners. The examiners at any examination shall not all be members of the same political party. [§ 451, ch. 24, R. S.]

314. NOTICE OF EXAMINATIONS.] § 7. Notice of the time and place and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in a daily newspaper of general circulation published in such city, and such notice shall also be posted by said commission in a

conspicuous place in their office for two weeks before such examination. Such further notice of examinations may be given as the commission shall prescribe. [§ 452, ch. 24, R. S.]

315. REGISTERS.] § 8. From the returns or reports of the examiners, or from the examinations made by the commission, the commission shall prepare a register for each grade or class of positions in the classified service of such city of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination. [§ 453, ch. 24, R. S.]

316. PROMOTIONS.] § 9. The commission shall, by its rules, provide for promotions in such classified service, on the basis of ascertained merit and seniority in service and examination and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination, and the rules governing the same and the method of certifying, shall be the same as provided for applicants for original appointment. [§ 454, ch. 24, R. S.]

317. APPOINTMENTS TO CLASSIFIED SERVICE.] § 10. The head of the department or office in which a position classified under this act is to be filled shall notify said commission of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that, in cases of laborers where a choice by competition is impracticable, said commission may provide by its rules that the selections shall be made by lot from among those candidates proved fit by examination. In making such certification sex shall be disregarded, except when some statute, the rules of said commission or the appointing power specifies sex. The appointing officer shall notify said commission of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said commission therefor, which appointment shall be on probation for a period to be fixed by said rules. Said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation the head of the department or office in which a candidate is employed may, by and with the consent of said commission, discharge him upon assigning in writing his reason therefor to said commission. If he is not then discharged his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or

office may with the approval of the commission make temporary appointment to remain in force not exceeding 60 days, and only until regular appointments under the provisions of this act can be made. [§ 455, ch. 24, R. S.]

318. SOLDIERS WHO ARE ELIGIBLE TO HAVE THEIR NAMES PLACED AT THE HEAD OF THE LIST.] § 10½. Persons who were engaged in the military or naval service of the United States during the years 1861, 1862, 1863, 1864 or 1865, and who were honorably discharged therefrom, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, and it shall be the duty of the examiner or commissioner certifying the list of eligibles who have taken the examinations provided for in this act, to place the name or names of such persons at the head of the list of eligibles certified for appointment. [Added by amendment approved May 6, 1897; in force July 1, 1897; L. 1897, p. 93; § 455a, ch. 24, R. S.]

319. OFFICERS EXCEPTED FROM CLASSIFIED LIST.] § 11. Officers who are elected by the people, or who are elected by the city council pursuant to the city charter, or whose appointment is subject to confirmation by the city council, judges and clerks of election, members of any board of education, the superintendent and teachers of schools, heads of any principal department of the city, members of the law department, and one private secretary of the mayor, shall not be included in such classified service. [§ 456, ch. 24, R. S.]

320. REMOVALS.] § 12. No officer or employé in the classified civil service of any city who shall have been appointed under said rules and after said examination, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said civil service commission, or by or before some officer or board appointed by said commission, to conduct such investigation. The finding or decision of such commission or investigating officer or board, when approved by said commission, shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges, each member of the commission, and of any board so appointed by it, and any officer so appointed, shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation. Nothing in this section shall be construed to require such charges or investigation in cases of laborers or persons having the custody of public money, for the safe keeping of which another person has given bonds. [§ 457, ch. 24, R. S.]

321. REPORTS TO COMMISSION.] § 13. Immediate notice in writing shall be given by the appointing power, to said commission, and all appointments, permanent or temporary, made in such classified civil service, and all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof; and a record

of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission. [§ 458, ch. 24, R. S.]

322. INVESTIGATIONS.] § 14. The commission shall investigate the enforcement of this act and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in its city, and may enquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigations each commissioner shall have power to administer oaths, and said commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigations. [§ 459, ch. 24, R. S.]

323. REPORT BY COMMISSION.] § 15. Said commission shall, on or before the fifteenth day of January of each year, make to the mayor for transmission to the city council a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. The mayor may require a report from said commission at any other time. [§ 460, ch. 24, R. S.]

324. CHIEF EXAMINER.] § 16. Said commission shall employ a chief examiner, whose duty it shall be, under the direction of the commission, to superintend any examination held in such city under this act, and who shall perform such other duties as the commission shall prescribe. The chief examiner shall be *ex officio* secretary of said commission, under the direction of such commission; he, as such secretary, shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the commission shall prescribe. [§ 461, ch. 24, R. S.]

325. OFFICERS TO AID—ROOMS.] § 17. All officers of any city which shall have adopted this act shall aid said commission in all proper ways in carrying out the provisions of this act, and at any place where examinations are to be held shall allow reasonable use of public buildings for holding such examinations. The mayor of such city shall cause suitable rooms to be provided for said commission at the expense of such city. [§ 462, ch. 24, R. S.]

326. SALARIES AND EXPENSES.] § 18. In cities having a population of 100,000 inhabitants or more, each of said commissioners shall receive a salary of \$3,000 a year, the chief examiner shall receive a salary of \$3,000 a year. Any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board at the rate of \$5 per day, and said commission may, in such city, also incur expenses not exceeding \$5,000 per year for clerk hire, printing, stationery and other incidental matters. In cities having a population of 50,000 inhabitants

and less than 100,000, such commissioners shall receive an annual salary of \$1,000 each, the chief examiner shall receive an annual salary of \$1,000. Any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board at the rate of \$3 per day, and said commission may, in such city, also incur expenses not exceeding \$2,000 a year for clerk hire, printing, stationery and other incidental matters. In cities having a population of 25,000 and less than 50,000 inhabitants such commissioners shall receive an annual salary of \$100 each, and the chief examiner shall receive an annual salary of \$500.

In cities having a population of less than 25,000 inhabitants such commissioners shall receive an annual salary to be fixed by the city council of such cities, not to exceed \$50 each; the chief examiner shall receive an annual salary to be fixed by the city council of such cities not to exceed \$100. In cities having a population of less than 50,000 inhabitants any person not at the time in the official service of the city, serving as a member of the board of examiners or of a trial board shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or member of the trial board at the rate of \$2 per day, and said commission may, in such city, also incur expenses not exceeding \$200 per year for clerk hire, printing, stationery and other incidental matters. [As amended by act approved June 13, 1895. In force July 1, 1895; L. 1895, p. 94; 463, ch. 24, R. S.]

327. APPROPRIATIONS.] § 19. A sufficient sum of money shall be appropriated each year by each city which shall adopt this act, to carry out the provisions of this act in such city. In such cities as shall have already made the annual appropriation for municipal purposes for the current fiscal year, the mayor is authorized and required to pay the salaries and expenses as herein provided for such fiscal year out of the moneys appropriated for contingent purposes by such municipality, or out of any moneys not otherwise appropriated. [§ 464, ch. 24, R. S.]

328. FRAUDS PROHIBITED.] § 20. No person or officer shall wilfully or corruptly by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing, or wilfully or corruptly make any false representation concerning the same, or concerning the person examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted. [§ 465, ch. 24, R. S.]

329. NO OFFICER TO SOLICIT OR RECEIVE POLITICAL CONTRIBUTIONS.] § 21. No officer or employé of such city shall solicit, orally or by letter, or receive or pay, or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any party or political purpose whatever. [§ 466, ch. 24, R. S.

330. NO PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS OR EMPLOYEES.] § 22. No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment for any party or any political purpose whatever, from any officer or employé in any department of the city government of any city which shall adopt this act. [§ 467, ch. 24, R. S.

331. ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN.] § 23. No person shall in any room or building occupied for the discharge of official duties by any officer or employé in any city, which shall adopt this act, solicit orally or by written communication, delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employé under the government of such city, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for receiving or giving notice of any political assessments. [§ 468, ch. 24, R. S.

332. PAYMENTS OF POLITICAL ASSESSMENTS TO PUBLIC OFFICERS PROHIBITED.] § 24. No officer or employé in the service of such city shall, directly or indirectly, give or hand over to any officer or employé in said service, or to any senator or representative or alderman, councilman or commissioner, any money or other valuable thing, on account of or to be applied to the promotion of any party or political object whatever. [§ 469, ch. 24, R. S.

333. ABUSE OF OFFICIAL INFLUENCE PROHIBITED.] § 25. No officer or employé of such city shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service. [§ 470, ch. 24, R. S.

334. PAYMENT FOR PLACES PROHIBITED.] § 26. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no officer or employé shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion. [§ 471, ch. 24, R. S.

335. RECOMMENDATIONS IN CONSIDERATION OF POLITICAL SERVICES PROHIBITED.] § 27. No applicant for appointment or promotion in

said classified civil service shall ask for or receive a recommendation or assistance from any officer or employé in said service, or of any person upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person to any office or appointment. [§ 472, ch. 24, R. S.]

336. ABUSE OF POLITICAL INFLUENCE PROHIBITED.] § 28. No person while holding any office in the government of such city, or in nomination for, or while seeking a nomination for, or appointment to any such office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary upon the consideration or condition that the vote or political influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration. [§ 473, ch. 24, R. S.]

337. AUDITING OFFICER.] § 29. No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this act. [§ 474, ch. 24, R. S.]

338. APPOINTMENTS AND REMOVALS TO BE CERTIFIED TO THE COMPTROLLER.] § 30. The commission shall certify to the comptroller or other auditing officers, all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal or resignation or death, and all findings made or approved by the commission under the provisions of section 12 of this act, that a person shall be discharged from the classified civil service. [§ 475, ch. 24, R. S.]

339. COMPTROLLER TO PAY SALARIES ONLY AFTER CERTIFICATION.] § 31. No comptroller or no other auditing officer of a city which has adopted this act shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer or employé of such city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor. [§ 476, ch. 24, R. S.]

340. PAYMASTERS, ETC., TO PAY SALARIES ONLY AFTER CERTIFICATION. § 32. No paymaster, treasurer or other officer or agent of a city which has adopted this act shall wilfully pay, or be in any manner concerned in paying any person any salary or wages for services as an officer or employé of such city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor. [§ 477, ch. 24, R. S.]

341. COMPELLING TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND PAPERS.] § 33. Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission or by any commissioner or by any board or person acting under the orders of the commission in the course of an investigation conducted either under the provisions of section 12 or

section 14 of this act, and who shall refuse or neglect to appear or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in section 34 of this act. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State and shall be paid from the appropriation for the expenses of the commission. Any circuit court of this State or any judge thereof, either in term time or vacation, upon application of any such commissioner, or officer or board, may in his discretion compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioner, investigating board or officer, by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths shall swear or affirm willfully, corruptly and falsely shall be guilty of perjury and upon conviction shall be punished accordingly. [§ 478, ch. 24, R. S.]

342. PENALTIES.] § 34. Any person who shall willfully or through culpable negligence violate any of the provisions of this act or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than \$50 and not exceeding \$1,000, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment in the discretion of the court. [§ 479, ch. 24, R. S.]

343. PENALTIES—DISQUALIFICATION TO HOLD OFFICE.] § 35. If any person shall be convicted under the next preceding section, any public office or place of public employment, which such person may hold shall, by force of such conviction be rendered vacant, and such person shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction. [§ 480, ch. 24, R. S.]

344. WHAT OFFICERS TO PROSECUTE.] § 36. Prosecutions for violations of this act may be instituted either by the Attorney General, the State's attorney for the county in which the offense is alleged to have been committed, or by the commission, acting through special council. Such suits shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers. [§ 481, ch. 24, R. S.]

345. REPEAL.] § 37. All laws or parts of laws which are inconsistent with this act, or any of the provisions thereof are hereby repealed. [§ 482, ch. 24, R. S.]

346. ADOPTION.] § 38. The electors of any city now existing or hereafter existing in this State, may adopt and become entitled to the benefit of this act in the following manner: Whenever 1,000 of the legal voters of such city, voting at the last preceding election, shall petition the judge of the county court of the county, in which said

city is located, to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall adopt and become entitled to the benefits of this act, it shall be the duty of such county court to submit such proposition accordingly at the next succeeding general State, county or city election, and if such proposition is not adopted at such election the same shall in like manner be submitted to a vote of the electors of such city by such county court upon like application at any general State, county or city election, thereafter, and an order shall be entered of record in such county court submitting such proposition as aforesaid.

If 1,000 shall exceed one-eighth of the legal voters of any such city voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such city voting at the last preceding election. [§ 483, ch. 24, R. S.]

347. NOTICE OF ELECTION—SUBMISSION OF ACT TO VOTE—PROCLAMATION.] § 39. The judge of such county court shall give at least ten days notice of election at which such proposition is to be submitted by publishing such notice in one or more newspapers published within such city for at least five times, the first publication to be at least ten days before the day of the election; and if no newspaper is published in such city, then by posting at least five copies of such notice in each ward at least ten days before such election. Such election shall be held under the election law in force in such city, except as herein otherwise provided. The proposition so to be voted for shall appear in plain, prominent type at the head of every ticket and preceding the names of persons to be voted upon for any office at such election. If a majority of the votes cast upon such proposition shall be for such proposition, this act shall thereby be adopted by such city, and the mayor shall thereupon issue a proclamation declaring this act in force in such city. [§ 484, ch. 24, R. S.]

348. EMERGENCY. § 40. WHEREAS, An emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage. [§ 485, ch. 24, R. S.]

ELECTIONS—ACTS CONCERNING MUNICIPAL ELECTIONS. [PARAGRAPHS 349-488.]

OPENING AND CLOSING OF POLLS.

AN ACT to provide for the time of opening and closing the polls during elections of cities, towns and villages in this State. [Approved May 29, 1879. In force July 1, 1879. L. 1879 p. 70.]

349. TIME OF OPENING AND CLOSING POLLS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all city, town or village elections, in this State, the polls shall remain open from eight (8) o'clock a. m. until seven (7) o'clock p. m., any law in any special charter to the contrary notwithstanding. [§ 297, ch. 24, R. S.]

CITIES AND TOWNS HAVING SAME TERRITORY.

AN ACT relating to elections, and to fix the time for holding the same, in cities having the same territory as an organized township. [Approved May 6, 1879. In force July 1, 1879. L. 1879, p. 69.]

350. ELECTIONS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter the regular charter election for the election of city officers of any city having the same territory as an organized township, shall take place on the same day provided by law for the township election, to-wit: On the first Tuesday of April, anything in the charter of such city to the contrary notwithstanding, and such charter and township elections may be conducted in all respects as provided in and by an act entitled "An act to amend section seven (7) of article VII of an act entitled 'An act to revise the law in relation to township organization,' approved and in force March 4, 1874;" approved and in force March 9, 1877: *Provided*, that this act shall not be so construed as to require any city to hold its charter election oftener than its charter may prescribe. [§ 298, ch. 24, R. S.]

SUBMISSION OF QUESTIONS OF PUBLIC POLICY.

AN ACT providing for an expression of opinion by electors on questions of public policy at any general or special election. [Approved May 11, 1901. In force July 1, 1901. L. 1901, p. 198.]

351. PETITION TO SUBMIT QUESTION OF PUBLIC POLICY AT ELECTION—DUTY OF ELECTION OFFICERS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on a written petition signed by 25 per cent of the registered voters of any incorporated town, village, city, township, county or school district; or 10 per cent of the registered votes [voters] of the State, it shall be the duty of the proper election officers in each case to submit any question of public policy so petitioned for, to the electors of the incorporated town, village, city, township, county, school district or State, as the case may be, at any general or special election named in the petition: *Provided*, such petition is filed with the proper election officers in each case not less than sixty (60) days before the date of the election at which the question or questions petitioned for are to be submitted. Not more than three propositions shall be submitted at the same election and [each] such proposition shall be submitted in the order of its filing [§ 428, ch. 46, R. S.]

352. QUESTION TO BE PRINTED ON SEPARATE BALLOT—FORM.] § 2. Every question submitted to electors shall be printed in plain, prominent type upon a separate ballot, in form required by law, the same as a constitutional amendment or other public measure proposed to be voted upon by the people. [§ 429, ch. 46, R. S.]

CITY ELECTION LAW.

AN ACT to amend an act entitled, "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1895, in force July 1, 1895, as amended by an act approved June 18, 1891, in force July 1, 1891. [As amended by act approved April 24, 1899; in force July 1, 1899; L. 1899, p. 157.]

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "An act regulating the

holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885, as amended by an act approved June 18, 1891, in force July 1, 1891, be and the same is hereby amended so as to read as follows, to-wit:

ARTICLE I.

353. HOW THIS ACT MAY BE ADOPTED BY CITY.] § 1. That the electors of any city now existing in this State may adopt and become entitled to the benefit of this act in the manner following:

Whenever one thousand of the legal voters of such city, voting at the last preceding election, shall petition the judge of the county court of the county in which such city is located to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall adopt and become entitled to the benefit of this act, it shall be the duty of such county court to submit such proposition accordingly at the next succeeding general State or county election, and if such proposition is not adopted at such election, the same shall in like manner be submitted to a vote of the electors of such city by such county court upon like application at any general State or county election thereafter, and an order shall be entered of record in such county court submitting such proposition as aforesaid. If one thousand shall exceed one-eighth of the legal voters of any such city voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such city voting at the last preceding election. [§ 155, ch. 46, R. S.

354. COUNTY JUDGE—NOTICE OF ELECTION—BLANK FORMS—DUTY OF COUNTY CLERK—PENALTY—EXPENSES.] § 2. The judge of such county court shall give at least 60 days' notice of such election by publishing such notice in one or more newspapers published within such city, for at least five times, the first publication to be at least 60 days before the day of election; and if no newspaper is published in such city, then by posting at least five copies of such notice in each ward 60 days before such election; and such court shall enter an order directing the county clerk to prepare the necessary blank returns for the use of the judges of election, substantially in the following form:

"At an election held in the precinct of the ward in the city of in the State of Illinois, on the day of in the year A. D., the following vote was cast for and against city election law, to-wit:

For city election law, votes.
Against city election law, votes.

Certified by us:

A. B.,
C. D.,
E. F.,
Judges of Election.

Attest:
G. H.,
I. J.,
Clerks of Election."

Also to prepare separate tally sheets with appropriate headings.

And it shall be the duty of such county clerk to deliver to the judges of all the precincts in such city at such election proper tally

sheets and blank statements of returns of votes cast for and against such proposition at such election. And it shall be the duty of the said judge of the county court to supervise and direct such matters and see that they are properly done.

Said judge of the county court shall also prepare directions to the judges and clerks of election as to the manner of canvassing the votes for and against such proposition, keeping tally thereof and making returns of the votes as to such proposition, in accordance with the provisions of this article; also informing them therein of the penalties of the law imposed upon the judges and clerks for any refusal or neglect pertaining to their duties, and such judge of the county court shall deliver such directions to the county clerk directing him to have them printed and sent out to such judges and clerks. And it shall be the duty of such county clerk to obey such instructions.

And it shall be the duty of the county clerk to do and cause to be done all things required of him by this article, and for a failure to perform such duties he shall, on conviction, be sentenced to the county jail for not less than six months nor more than 12 months, and shall also be removed from his office by the court in which such conviction shall be had.

The county shall pay all expenses connected with such election. [§ 156, ch. 46, R. S.]

355. FORM OF BALLOTS.] § 3. At such election the ballots, so far as they relate to this act, shall be written or printed in the following form: "For city election law" or "Against city election law." [§ 157, ch. 46, R. S.]

356. BALLOTS—HOW PREPARED AND WHAT TO CONTAIN.] § 4. The ballot upon such proposition in the form aforesaid must be printed or written at the bottom of the ticket containing the names of candidates for public offices at such election who are voted for by any elector. But if any elector desires to vote upon such proposition and does not desire to vote for any candidate for any public office, he may vote a ballot prepared as aforesaid, without the name of any candidate being thereon; but he can not by one ballot vote for or against such proposition, and then by another ballot vote for any candidate for any office at that election. If any one shall vote a ballot which shall contain no reference to such proposition, or if both forms of ballot, viz: "For city election law" and "Against city election law" be upon the same ticket unerased, such ballot shall not be counted for or against such proposition. [§ 158, ch. 46, R. S.]

357. BALLOTS—HOW CANVASSED.] § 5. The judges of such election shall canvass the ballots so cast for or against such proposition. They shall count in favor of said proposition all ballots, "For city election law" and they shall count against such proposition all ballots, "Against city election law." [§ 159, ch. 46, R. S.]

358. MANNER OF CANVASS—ANNOUNCING RESULT.] § 6. Such canvass shall be made by such judges in the following manner: Before the name or names of any candidate on any ballot shall be canvassed, one of said judges, the other two sitting on either side of

him and observing the canvass, shall separate all the ballots cast in such precinct into three piles or files, putting together in the first pile all those containing the phrase, "For city election law," and putting together in the second pile all the ballots containing the phrase, "Against city election law," and putting together in the third pile all the other ballots of every description. One of said three judges shall then count the first pile of ballots in batches of ten, and when one batch is counted, shall pass the same to the next judge, who shall count the same and pass it to the third judge, who shall also count it, and when the three shall have finished the count of the ten ballots, the last judge shall announce in a loud voice the result, "Ten votes for city election law," when the tally clerk shall tally ten votes accordingly on each tally sheet for city election law, and so the whole pile shall be counted, and before counting the second pile the clerk shall announce the result or number so entered and credited, "For city election law," and then the second pile shall be counted in the same way in batches of ten, and the result tallied and announced in the same way "Against city election law." And thereupon it shall be the duty of each of said judges in turn to announce in a loud voice the result of the election in that precinct upon that proposition. No ballots shall be counted for or against such proposition unless it be in the form herein prescribed; no account is to be kept of the the third pile of ballots as to such proposition. [§ 160, ch. 46, R. S.

359. WHEN NO TALLY SHEETS—DUTY OF JUDGES.] § 8. If no tally sheets shall be furnished to the judges and clerks of any precinct relating to such proposition, such clerks shall use any piece of paper containing the headings written out by either of them: "For city election law," and "Against city election law," and tally the vote thereon opposite the respective headings as announced to them; and if no blank statements of returns relating to such proposition be provided or furnished to them, then it shall be the duty of said judges and clerks to write out a return in triplicate, in substance in accordance with the form found in section 2 of this article. [§ 161, ch. 46, R. S.

360. MANNER OF MAKING RETURNS.] § 8. After ascertaining and announcing the result as aforesaid, such judges shall make, fill up and sign triplicate returns or statements of the votes cast for and against such proposition as aforesaid, in the form found in section 2 of this article. Each of which shall be attested by the election clerk, and each of which shall then be enclosed and sealed in an envelope, one of which shall be on the outside addressed to the judge of the county court, one to the clerk of the county court, and one to the comptroller of such city, or to the officer whose duties correspond with those of the comptroller. Upon each of which statements shall be endorsed "city election law returns." In the same manner the tally sheets shall be signed by said judges and clerks, and shall be enclosed and sealed in separate envelopes, one of which shall be addressed to the county judge and one to the city clerk; upon both of said envelopes shall be endorsed "city election law tallies." On the outside of each envelope shall be endorsed whether it contains a

statement of the votes cast or the tallies, and for what precinct and ward. After the envelopes respectively containing such returns and tallies are closed and sealed, the judges of election shall each write across the folds of such envelopes their names, and thereupon each of said judges of election shall take one of said returns, and each of said election clerks shall take one of said tallies and shall deliver, each one respectively, to the person or officer to whom addressed, by noon of the next day, and when delivered he shall receive a receipt therefor from the officer to whom delivered, and it shall be the duties of such officers to give such receipts and to safely keep such envelopes unopened until called for by the canvassing board herein provided, [§ 162, ch. 46, R. S.]

361. SPECIAL WATCHERS OF CANVASS.] § 9. At the canvass of the ballots in any precinct in any city where such proposition has been submitted, it shall be the duty of such judges of election, on request, to admit to the room two electors of the ward who voted in favor of such proposition and two who voted against it, as special watchers of such canvass; and said judges and the police officer or other officer of the law present shall protect such watchers and see that they are not excluded, and at the time of such canvass of the ballots cast for or against such proposition such watchers shall be entitled to a position where they can plainly see and read each ballot, and it shall be the duty of such judges to grant and protect them in such position. [§ 163, ch. 46, R. S.]

362. CANVASS BY COUNTY JUDGE, ETC.—DECLARING RESULT—WHEN OPERATIVE.] § 10. On the sixth day after such election the judge of the county court shall call to his assistance two well known electors of integrity and character, one of whom voted for and one of whom voted against such proposition, who shall constitute the canvassing board to canvass the returns and votes so cast for and against such proposition. Such canvass shall be conducted in public in the room usually occupied by such county court. The envelopes containing all the returns and all the tally sheets shall, upon the demand of the judge of the county court, be delivered to said board by the officers, so having either of them in his possession. Thereupon the same shall be opened in order and the vote on such proposition ascertained and announced. All of such returns and tallies may be used in ascertaining the result, and when, in the opinion of said board, any doubt exists as to what the actual vote was which was cast for or against such proposition in any precinct, or upon the written application of two persons who were at such canvass and who shall make oath that they believe that the returns of the said judges of election as to such proposition are not correct, said county judge shall demand of and receive possession from such county clerk the ballots so cast in such precinct at such election, and it shall then be the duty of said board to open the envelope containing said ballots and to recount the same, and to hear evidence of any person present at such precinct canvass touching the same; and, thereupon, said board shall announce and declare the vote cast for and against such proposition in such precinct, which shall be conclusive as to the ballots so cast; and, thereupon, the said judge of the county court, so

having received possession of such ballots, shall again place them upon a string or twine and place them in the same envelope, or another with like endorsements, and seal the same, and shall write across the face thereof, "Opened by the county judge," and sign his name thereunder, and shall then return such ballots to the possession of the county clerk. Said returns and tallies shall also be returned to the officers from whom received, who shall safely keep the same for six months, and then destroy the same if there be no contest. At the completion of the canvass of all the precincts in such city, the total number of votes cast for and against such proposition in the various precincts ascertained as aforesaid shall be added together by said board, who shall then declare the total result; thereupon said county court shall enter an order declaring the number of votes so ascertained cast for, and the number of votes cast against such proposition, and if such proposition shall have received a majority of the votes cast for and against the same at such election, the court shall, by its order, declare this act adopted. And it shall be the duty of such county judge to file a copy of such order in the office of the Secretary of State, and thereupon this act shall become operative and binding, and the law for all elections in such city, and for the electors thereof, and all courts and other persons shall take notice thereof. [§ 164, ch. 46, R. S.]

363. JUDGE OR CLERK—NEGLECT OF DUTY—PENALTY—OPENING RETURNS, ETC.] § 11. Any judge of election or clerk of election who shall wilfully neglect to perform any duty imposed upon him by this article, shall be deemed guilty of a felony, and, upon conviction, be imprisoned in a penitentiary for not less than one year and not more than three years. Any judge of election or clerk of election who shall wilfully open, change, tear, mutilate, lose or conceal or wilfully cause or permit to be opened, changed, torn, mutilated, lost or concealed any return of votes cast for or against this act, or any tally sheet of votes so cast for or against such proposition after the same has been sealed up and delivered to him to be carried and delivered to the officer of law required by this act to receive the same shall be deemed guilty of a felony, and upon conviction shall be imprisoned in a penitentiary for not less than three nor more than five years. [§ 165, ch. 46, R. S.]

364. STEALING OR MUTILATING RETURNS, ETC.—PENALTY.] § 12. Any officer having possession of such returns, tallies or ballots, who shall steal, counsel or assist in stealing, or who shall change or mutilate any return or tally sheet relating to such election, shall be deemed guilty of a felony, and, upon conviction, shall be imprisoned in a penitentiary not less than five nor more than ten years. [§ 166, ch. 46, R. S.]

365. OFFENSES GOVERNED BY LAW OF THE STATE.] § 13. All other offenses pertaining to the conduct of any election under this article shall be governed by the laws of the State not inconsistent herewith. [§ 167, ch. 46, R. S.]

366. [ADOPTION OF THIS LAW BY VILLAGE OR TOWN.] § 14. Any village or incorporated town in this State may adopt this act in

like manner, and the same shall be submitted to a vote of the people of the said village or town upon written application to said county court of 500 electors in such village or town. [§ 168, ch. 46, R. S.]

367. EFFECT OF ADOPTION OF THIS ACT.] § 15. After and from the time of the adoption of this act, as aforesaid, the provisions of the same shall be applicable to such cities, villages or towns, and all laws in conflict therewith shall no longer be applicable to such cities, villages or towns. But all laws or parts of laws not inconsistent with the provisions of this act shall continue in force and be applicable to any such city, village or town, the same as if this act had not been adopted. [§ 169, ch. 46, R. S.]

ARTICLE II.

368. CREATION OF BOARD OF ELECTION COMMISSIONERS—TERM OF, ETC.] § 1. In every city, village and incorporated town so adopting this act there shall be created a board of election commissioners, which shall be composed of three members, each of whom shall be designated as an election commissioner, and shall be appointed by the county court in the county in which such city, village or incorporated town shall be located. And such appointment shall be entered of record in such court, and when qualified such commissioner shall be an officer of such court. The first appointment of such commissioner shall be within sixty days after the adoption of this act, and those first appointed shall hold their offices for the period of one, two and three years, respectively, and the judge appointing them shall designate the term for which each one shall hold his office, whether for one, two or three years. If the office of either commissioner shall become vacant, it shall thereupon be the duty of such county court to appoint a successor for such unexpired term; after the expiration of the term for which each commissioner is appointed, such court shall, in the same way, nominate and appoint a successor, who shall hold his office for the period of three years, and until his successor is appointed. [§ 170, ch. 46, R. S.]

369. COMMISSIONERS—HOW SELECTED—QUALIFICATIONS OF—VACANCY.] § 2. Two of such commissioners at least shall always be selected from the two leading political parties of the State, one from each of such parties, and all shall be legal voters and householders residing in such city, village or incorporated town, and be men of well known political convictions and of approved integrity and capacity. No commissioner can hold any other public office. Whenever it shall come to the knowledge of such judge of the county court that one of the leading political parties of the State is not represented upon such commission by a person of the same political faith, he shall at once remove one of such commissioners and fill the vacancy with a member of the leading political party not so represented. [§ 171, ch. 46, R. S.]

370. REMOVAL ON COMPLAINT—GROUND OF.] § 3. Such judge of the county court may at any time, upon complaint made and cause shown satisfactory to him, after notice to such commissioner and an

opportunity to be heard, remove any such commissioner and enter of record in the court such order of removal, and there shall be no appeal from such order. Such complaint must be signed and sworn to by at least 25 legal voters of such city, village or incorporated town, and must state the grounds of such complaint. [§ 172, ch. 46, R. S.]

371. ORGANIZATION OF BOARD—OFFICERS—OATH—OFFICIAL BOND—OFFICE—BOOKS, ETC.] § 4. Within twenty days after such first appointment shall be made, such commissioners shall organize as a board by electing one of their number as chairman and one as secretary, and they shall perform the duties incident to such offices. And upon every new appointment of a commissioner, such board shall reorganize in like manner. Each commissioner, before taking his seat in such board, shall take an oath of office before such county judge, which in substance shall be in the following form:

"I, _____ do solemnly swear (or affirm) that I am a citizen of the United States, and have resided in the city of _____, in the State of Illinois, for a period of ten years last past, and that I am a legal voter and householder in said city and State. That I will support the Constitution of the United States and of the State of Illinois, and the laws passed in pursuance thereof, to the best of my ability, and will faithfully and honestly discharge the duties of the office of the election commissioner for said city."

Which oath, when subscribed and sworn to before such judge, shall be filed in the office of the county clerk of said county and be there preserved. Such commissioner shall also, before taking such oath, give an official bond in the sum of \$10,000, with two securities, to be approved by said judge, conditioned for the faithful and honest performance of his duties and the preservation of the property of his office. Such board of commissioners shall at once secure and open an office sufficient for the purposes of such board, which shall always be kept open during business hours of every day, Sundays and legal holidays excepted. Upon the opening of such office the county clerk of the county in which such city, village or incorporated town is situated shall, upon demand, turn over to such board all registry books, poll books, tally sheets and ballot boxes heretofore used and all other books, forms, blanks and stationery of every description in his hands in any way relating to elections or the holding of elections within such city, village or incorporated town. [§ 173, ch. 46, R. S.]

372. BOARD TO PROVIDE BALLOT BOXES, ETC.] § 5. Such board shall provide all necessary ballot boxes and all registry books, poll books, tally sheets, blanks and stationery of every description with printed headings and certificates, necessary and proper for the registry of voters and the conduct of such election, and for every incidental purpose connected therewith. [§ 174, ch. 46, R. S.]

373. CHIEF CLERK—POWERS AND DUTIES OF.] § 6. Said board shall have the right to employ a chief clerk who shall have charge of the office of said board and who shall be present and in attendance at all proper business hours. Such chief clerk shall take an oath of office before such county judge, to the effect that he will honestly and faithfully perform all the duties of such office, under the direction of said board, which shall be preserved in the same way, and he

shall be under the direction of said board, and he shall have the right to administer all oaths required under this act to be administered by either of said commissioners. Such additional assistance may be employed by said board from time to time, as may be necessary, with the consent and approval, previously entered of record by said county court or which may afterwards be approved by such court. [§ 175, ch. 46, R. S.]

374. COMMISSIONERS TO ESTABLISH ELECTION PRECINCTS—SIZE OF.]
 § 7. It shall be the duty of said board of commissioners, within two months after its first organization to divide said city, village or incorporated town into election precincts, which shall contain as nearly as practicable 300 actual voters, and in making such division and establishing such precincts such board shall take as a basis the poll books, or the number of votes cast at the previous presidential election. Within 90 days after each presidential election, such board shall revise and rearrange such precincts on the basis of the votes cast at such election, making such precincts to contain, as near as practicable, 300 actual voters, measured by the vote of such election, but at any time and in all instances where the vote cast at any precinct, at any election, equals 450, there must be a re-arrangement so as to reduce the vote to the standard of 300 as near as may be. The precincts in each ward, village or incorporated town shall be numbered from one upwards, consecutively. [§ 176, ch. 46, R. S.]

375. GENERAL REGISTRATION OF VOTERS.] § 8. After the first organization of such board of commissioners, it shall prepare for a new and general registration of voters for the next general city or village election, or general State or county election, as the case may be, and when made such registry shall be continued and revised in the manner hereinafter provided. [§ 177, ch. 46, R. S.]

376. JUDGES AND CLERKS—APPOINTMENT AND QUALIFICATIONS OF.]
 § 9. Said board of commissioners shall, at least sixty days prior to such election, select and choose three electors, who shall be householders, as judges of election for each precinct in such city, village or incorporated town. They must be citizens of the United States and entitled to vote in the ward, village or incorporated town in which such precinct is located at the next election, and they must be men of good repute and character, who can speak, read and write the English language and be skilled in the four fundamental rules of arithmetic, and they must be of good understanding and capable; they must reside in the precinct of the village, city or incorporated town at which they are selected to act, and they must not hold any office or employment under the United States, the State of Illinois, or under the county, city, village or town in which such election is to be held, and they must not be candidates for any office at the next ensuing election. Two clerks of election shall be selected within the same time by said board, who shall possess the same qualifications as the judges, except that they need not be householders. Being a notary public shall be no disqualification for judge or clerk. [§ 178, ch. 46, R. S.]

377. NOTICE—EXAMINATION — CONFIRMATION — REGISTRATIONS—EXEMPTIONS — REFUSAL TO SERVE—PENALTY.] § 10. Each and every person so selected by the board of election commissioners shall be notified of the fact of his selection, with direction to appear within the time fixed in the notice before such board for the purpose of examination, and if upon examination he is found qualified he shall, unless excused by such commissioners by reason of ill health or old age, be bound to serve as such officer for the term of one year if his appointment shall be confirmed by the county court. Said commissioners shall keep books in which shall be written down the names of all such judges and clerks agreed upon before such notification to appear before them, and if, when they appear, they shall be rejected for want of qualification, such fact shall be noted on said books opposite their names; and if excused on the ground of ill health or old age, such fact shall be noted; in like manner also, if they do not appear for examination, such fact shall be noted. No person shall be compelled to serve as judge or clerk for three years after the expiration of his term or service. The judges and clerks of election shall be exempt from jury duty during the term of their service and for two years thereafter. In case such person so selected and notified to appear for examination shall not appear before such board as required, or if he does appear and shall refuse to serve he shall forfeit not less than \$100 nor more than \$300, unless it shall appear that he is not qualified for such service for any reason herein stated. [§ 179, ch. 46, R. S.

378. APPOINTMENT AND REMOVAL OF JUDGES AND CLERKS.] § 11. In the selection of judges of election, at least one judge shall be selected from one of the two leading political parties or organizations of the State to serve in each precinct, and one clerk of election shall be selected from each of the two leading political parties of the State to serve in each precinct. Each of the commissioners shall have a veto upon the proposed selection or nomination of any judge or clerk, and if, in any instance, in consequence of such veto, the board can not agree upon such appointments, then the names of six persons who are eligible shall be selected for judge or clerk, as the case may be, by the commissioner or commissioners belonging to the leading political party entitled to be represented by such judge or clerk, and out of said six names the other commissioner or commissioners representing the other leading political party of the State, shall select the name of such judge or clerk, who, when so selected, shall be the judge or clerk, if otherwise eligible, if he will serve or shall not be excused for cause, and if he shall be confirmed by the county court. In case the persons so selected for judges or clerks do not appear for examination on notification, then some other persons shall be selected and notified as aforesaid, until some eligible person is found who will serve. In all cases where the parties aforesaid do not appear and be examined, or if they do appear and refuse to serve, it shall be the duty of the commissioners, by the corporate name of the board of commissioners of elections, to prosecute such persons for such forfeiture above provided, and collect and pay over the same into the county treasury, and the failure of such board of

commissioners of election, or either of them, to prosecute such persons shall be sufficient cause for removal from office, and when established, the county court shall so remove such commissioner or commissioners from office. [§ 180, ch. 46, R. S.]

379. JUDGES AND CLERKS TO BE SELECTED FROM THE DIFFERENT POLITICAL PARTIES.] § 12. The leading political party represented by minority of all the commissioners in said board shall be entitled to one of the judges and one of the clerks in each precinct with an even number, and two of the judges and one of the clerks in each precinct with an odd number, and the other leading political party shall be entitled to two judges in the even and one judge in the odd number precincts, and also shall be entitled to one clerk in each precinct, and it shall be the duty of such commissioners to observe this division in all respects in making such appointments. If there should be three political parties represented in said board of commissioners, then each of such parties shall have one representative as judge in each precinct, as far as practicable, to be selected under some rule to be adopted by such board, and if there be not three political parties represented on such board, yet if there be a third political party in such city, respectable in numbers, said commissioners may, in their discretion, select a judge from said party for each precinct, if a proper person to such position can be found, in such manner as said board may agree upon. [§ 181, ch. 46, R. S.]

380. SELECTION OF JUDGES AND CLERKS TO BE RETURNED TO COUNTY COURT—CONFIRMATION—VACANCY—HOW FILLED—REMOVALS.] § 13. After the judges and clerks are selected and have agreed to serve, then a report of such selections shall be made and filed in the county court, and application shall then be made by said board to said court for their confirmation and appointment, whereupon the county court shall enter an order that cause be shown, if any exists, against the confirmation and appointment of such persons so named, on or before the opening of the court on a day to be fixed by the court. And said board of commissioners shall immediately give notice of such order and the names of all such judges and clerks so reported to such county court for confirmation, and their residence and the precinct for which they were selected, by causing the same to be published in one or more newspapers in such city, village or incorporated town, and if no newspaper be published in such city, village or incorporated town, then by posting such notice in three of the most public places in such city, village or town, and if no cause to the contrary be shown prior to the day fixed, such appointments shall be confirmed by order entered by that court. If objections to the appointment of any such judge or clerk be filed within the time aforesaid, the court shall hear such objections and the evidence introduced in support thereof, and shall confirm or refuse to confirm such nominations, as the interests of the public may require. No reasons may be given for the refusal to confirm. If any vacancies shall exist by reason of the action of such board or otherwise, at any

time, the said board of commissioners shall further report and nominate persons to fill such vacancies so existing in the manner aforesaid, and a court in the same way shall consider such nominations and shall confirm or refuse to confirm the same in the manner aforesaid. Upon the confirmation of such judges and clerks, at any time, a commission shall issue to each of such judges and clerks, under the seal of such court, and appropriate forms shall be prepared by said board of commissioners for such purpose. After such confirmation and acceptance of such commission, such judges and clerks shall thereupon become officers of such court, and shall be liable in a proceeding for contempt for any misbehavior in their office, to be tried in open court on oral testimony in a summary way, without formal pleadings, but such trial or punishment for contempt of court shall not be any bar to any proceedings against such officers, criminally, for any violation of this act. Where a vacancy shall occur so late that application to and confirmation by the court can not be had before the election, then said board of commissioners shall make an appointment and issue a commission to such officer or officers, and when thus appointed such officer shall be considered an officer of the county court and subject to the same rules and punishment, in case of misbehavior, as if confirmed by said court, and any judge or clerk, however appointed, and at whatever time, shall be considered an officer of court, and be subject to the same control and punishment in case of misbehavior. Said board of commissioners shall have the right at any time, in case of misbehavior or neglect of duty, to remove any judge of election or clerk of election, and cause such vacancy to be filled in accordance with this act. The judges and clerks of election must be appointed and confirmed at least 35 days prior to the next election; if any vacancy shall occur or exist more than five days before election the judges or clerks appointed to such places must be confirmed by such court. Such commissioners shall not voluntarily remove any judge or clerk within five days of such election, except for flagrant misbehavior, incapacity or dishonesty. And the reasons therefor must afterwards be reported in writing to such court, and if such removal be willful and without cause, said commissioners shall be guilty of a misdemeanor under this act, and be subject to removal. [§ 182, ch. 46, R. S.]

381. JUDGES AND CLERKS SHALL BE NOTIFIED—OFFICIAL OATH.]
 § 14. After the issue of a commission to such judges and clerks, they shall again be notified to appear at the office of said board, and shall then and there, after taking the oath of office, receive their commissions; said oath of office shall be taken before one of said commissioners or said chief clerk or some person designated by said board of commissioners and approved by said county court for that purpose, and who and when so designated and approved shall have the right to administer said oath in the name of and for said chief clerk, but the number of persons having the right to administer said oath by reason of said designation and approval shall

not at any time exceed five, and the oath of office shall be in writing and subscribed by each one, and shall be in substance as follows:

"I, residing at in the city (village or town) of in the State of Illinois, do solemnly swear (or affirm) that I am a legal voter (and a householder in case of a judge) in the ward of the city (village or town) of in the State of Illinois; that I will support the laws and constitution of the United States, and of the State of Illinois, and that I will faithfully and honestly discharge the duties of the office of judge (or clerk) of election and registration, for the precinct of the ward of the city (village or town) of in the county of, in the State of Illinois, according to the best of my ability."

[§ 183, ch. 46, R. S.]

382. PLACE OF REGISTRY AND POLLING PLACE IN EACH PRECINCT—NOTICE—POLICE OFFICERS.] § 15. It shall be the duty of said board of commissioners to appoint the place of registry and also the polling place in each precinct in such city, village or town, and to give public notice thereof, and shall cause the same to be fitted up, warmed, lighted and cleaned, but in each election precinct such place or places shall be in the most public, orderly and convenient portions thereof, and no building or part of a building shall be designated or used as a place of registry, or revision of registration, or as a polling place, in which spirituous or intoxicating liquor is sold.

Said board of election commissioners may demand of the chief of police or sheriff, to furnish officers of the law to attend during the progress of any registration, revision or election, at any place or places of registration, or any polling place, or places, designated by said commissioners, or to attend at any meeting of said commissioners. Said officers of the law, so furnished by said chief of police or sheriff, shall be stationed in the place or places of registration and polling place or places in such manner as said commissioners shall direct, and during said assignment shall be under the direction and control of the election commissioners. [§ 184, ch. 46, R. S.]

383. NAMES OF PENITENTIARY CONVICTS—PERSONS PARDONED.] § 16. It shall be the duty of the clerk of any court where parties are tried or convicted of penitentiary offenses in the county where such city, village or incorporated town is located, to furnish monthly to such board of commissioners the names of all parties convicted or sentenced for any crime, the punishment of which is confinement in the penitentiary, and their place of residence if such fact be in the possession of such clerk. It shall be the duty of the Governor of the State, on or before the first day of October in each year, to furnish to such commissioners of election the names of all persons pardoned by him out of the penitentiary for any crime of which such party was convicted in a court in a county where said city, village or incorporated town is located. [§ 185, ch. 46, R. S.]

384. MONTHLY REPORTS OF THE DEAD.] § 17. It shall be the duty of the person or officer having charge of the vital statistics of any such city, village or incorporated town, to furnish to such board of election commissioners, monthly, a report of the names and previous residences of all male persons over 21 years of age that have died during the preceding month. [§ 186, ch. 46, R. S.]

385. LIST OF DEAD AND CRIMINALS.] § 18. It shall be the duty of the board of election commissioners to cause to be arranged, as

nearly as possible, according to wards in cities, and election precincts in villages or incorporated towns, the names and the residences, or the former residences, of all such criminals, and of all such deceased parties, and to have the same printed by wards in cities, and election precincts in villages or incorporated towns, and furnish a printed list of the names of such persons whose residence was formerly in such wards or precincts to all the judges of election of such wards or precincts when acting as a board of registry, for their guidance, and when they shall be advised that a person convicted of a crime has been pardoned, such fact shall be noted opposite his name. Such list shall be arranged alphabetically. [§ 187, ch. 46, R. S.]

386. NOTICE OF REGISTRATION.] § 19. It shall be the duty of such board to give timely notice through the press of the time and place of registration and election in each precinct of such city, village or incorporated town; and they shall also cause the printed list and supplement of the registration for the previous election to be posted up at the place of registration, two days before such registration, with a printed notice of the time and place of the next registration. This to be obligatory only after the first registration under this act. [§ 188, ch. 46, R. S.]

387. RULES AND REGULATIONS—CHARGES OF ELECTION.] § 20. Said board of commissioners shall make all necessary rules and regulations, not inconsistent with this act, with reference to the registration of voters and the conduct of election; and they shall have charge of, and make provision for, all elections, general, special, local, municipal, State and county, and of all others of every description, to be held in such city or any part thereof, at any time or in such village or incorporated town as the case may be. [§ 189, ch. 46, R. S.]

388. ELECTION LAWS—HOLIDAYS.] § 21. The days upon which the general, State, county or city elections shall hereafter be held in such city, village or incorporated town, shall be holidays, and shall for all purposes whatever as regards the presenting for payment or acceptance and of protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes and as regards days of grace upon commercial paper, be treated and considered as is the first day of the week, commonly called Sunday. [§ 190, ch. 46, R. S.]

389. SELECTION OF JUDGES AND CLERKS.] § 22. At least sixty days prior to the next election occurring immediately after the expiration of the term of office of said judges and clerks, said election commissioners shall cause judges and clerks of election again to be selected, who shall be selected, appointed and commissioned in the same way, according to the same forms and subject to the same qualifications and limitations as required for the selection and appointment of such officers in the first instance hereunder. [§ 191, ch. 46, R. S.]

390. APPOINTMENT OF CANVASSERS—DUTIES OF—REFUSAL TO GIVE INFORMATION—PENALTY.] § 23. At every election, each of the political parties shall have the right to designate a canvasser for each election precinct who may make a canvass of the precinct in which he is appointed to act, not less than twenty (20) nor more than thirty-one

(31) days previous to such election, for the purpose of ascertaining the names and addresses of the legal voters residing in such precinct. And authority signed by the chief clerk of the board of election commissioners, shall be sufficient evidence of the right of such canvasser to make a canvass of the precinct in which he is appointed to act. The chief clerk of the board of election commissioners shall issue such certificate of authority to any person designated in a written request signed by the recognized chairman or presiding officer of the chief managing committee of a political party in such city, village or incorporated town; and a record shall be kept in the office of the election commissioners of all appointments of such canvassers. If, in making such canvass, any person shall refuse to answer questions and give the information asked for and known to him or her, such person shall be deemed guilty of a misdemeanor under this act, and shall be liable to a penalty not exceeding \$100, and any person willfully and knowingly giving false information in answer to questions of such canvasser, shall be liable to a penalty not exceeding \$100. [§ 192, ch. 46, R. S.]

391. LANDLORD, ETC., TO FILE STATEMENT—WHAT TO CONTAIN—PENALTY.] § 24. The landlord, keeper or manager of every lodging house, boarding house, inn, hotel or tavern in such city, village or incorporated town shall, not less than twenty-eight (28) nor more than thirty (30) days prior to every election, file with the election commissioners a written statement, sworn to by him, giving the full name of every person residing in his lodging house, boarding house, inn, hotel or tavern, the period of the continuous residence of such person ending at the date of such statement, the number of the room, bed or cot that such person occupies, and the period for which such person engaged board or lodging, and such other information as the election commissioners may, by due regulation designate. Any landlord, keeper or manager of any lodging house, boarding house, inn, hotel or tavern, neglecting or failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and shall be liable to a penalty not exceeding \$100, nor less than \$25. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 169; § 193, ch. 46, R. S.]

392. LANDLORD OR MANAGER FAILING TO FILE SUCH STATEMENT—PENALTY.] § 25. Any landlord, keeper or manager, of any such lodging house, boarding house, inn, hotel or tavern, who shall fail or neglect to file such statement, as in this act provided, may, upon written information of the attorney for the election commissioners, be cited by the election commissioners, or upon the complaint of any voter of such city, village or incorporated town, to appear before them and furnish such sworn statement and make such oral statements under oath, regarding such lodging house, boarding house, inn, hotel or tavern, as the election commissioners may require. The election commissioners shall sit to hear such citations on the Friday of the fourth week preceding the week in which such election is to be held. Such citation shall be served not later than

the day preceding the day on which it is returnable. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 170; § 194, ch. 46, R. S.]

ARTICLE III.

393. BOARD OF REGISTRY.] § The judges of election shall constitute the board of registry in the precinct for which they shall be appointed. [§ 195, ch. 46 R. S.

394. WHO ENTITLED TO VOTE.] § 2. Every person having resided in the State one year, in the county 90 days, and in the election precinct 30 days next preceding any election therein, who was an elector in this State on the first day of April, in the year A. D. 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, 1870, or who shall be a male citizen of the United States above the age of 21 years, shall be entitled to vote at such election. [§ 196, ch. 46, R. S.

395. MEETING OF BOARD OF REGISTRY—REGISTRY BOOKS—CONTROL OF.] § 3. Such board of registry and the election clerks shall meet in the precinct on Tuesday, three weeks preceding the first general city, village or town election, or the first general State or county election, which may occur after the first appointment of such board of election commissioners, at the place designated by such board of commissioners, and they shall then proceed to make a general registration of all the voters in such precinct. A new general registration shall be made by the board of registry in every year in which a congressional election occurs, and just prior thereto, the first day of such registration being on the Saturday immediately preceding the Tuesday four weeks before such election, and the second day of registration being on Tuesday three weeks before such election. Three registry books shall be furnished to such board of registry by the board of election commissioners for the purpose of such registration, and two of such books of registry shall be prepared substantially in the following form:

REGISTER OF VOTERS.....

RESIDENCE.	NAME.	NATIVITY.	TERM OF RESIDENCE.					Age.	Naturalized.
			At present address.	Precinct.	County.	State.	United States.		
240 Ohio st.....	Ames, Wm. J.	Mass	6 mos..	6 mos..	2 years	10 years	25 years	25 years.	
206 Ontario st....	Allen, John...	England ..	20 d'ys	3 mos..	3 years	5 years.	7 years.	33 years.	Yes..
150 Dearborn av.	Austin, Geo...	Georgia...	3 days.	3 days.	5 years	6 years.	41 years	41 years.	
131 Clark st	Anchuler, C..	Germany..	3 mos..	3 years	6 years	6 years.	6 years.	26 years.	Yes..

PRECINCT.....WARD.

Date of naturaliza- tion papers.	Court.	By act of Congress. Qualified voter.	Date of application for papers.	Residence— when last registered.	Why disqualified. Erased.	Re- stored.		Vote challenged.	Remarks.
						By commissioners.	By court.		
May 27, 1871.	Superior, N. Y.	Yes..	Oct. 5, 1885 ..	240 Ohio st..... April, 1886					211 Ontario street 2 months.....
		Yes..	Oct. 5, 1885 ..	2500 Fifth av..... April, 1886					
July 1, 1863 }	Not known ... Baltimore	No ..	Oct. 12, 1885 ..	230 W. Adams st April, 1886					
		Yes..	Oct. 12, 1885 ..	First Reg.....					

One registry book, which shall be denominated "public register" on the outside or on the first page, shall be prepared in such a manner as to contain only the two columns headed "residence" and "name." No other entries shall be made in the public registry, except the statements of the names and residences of persons registered. Said board of registry shall then proceed as follows:

First—They shall open the registry at 8 o'clock a. m. and continue in session until 9 o'clock p. m. on the first day. One of the judges shall administer to all persons who shall personally apply to register, the following oath or affirmation:

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right, as such, to register and vote under the laws of this State."

Second—Each of said clerks of election, and one of said judges of election, shall have charge of the registry books, and shall make the entries therein required by this act, and one of the judges shall ask the questions as to qualifications, and after he is through, either of the judges may ask questions. As many questions may be asked by any judge as may be deemed necessary to fully determine the qualification of the applicant to register, and any answer that is deemed material and that is not in response to a question provided for on the register, may be stated in the column headed "remarks." One of the judges of election may, when necessary, relieve one of the clerks, from time to time, as necessity may seem to demand, in making entries in said book.

Third—The name of every applicant shall be entered in such registry books, and all the facts shall be therein stated, as hereinafter provided, whether he be entitled to vote or not. If it shall be determined by the board that he is not a qualified voter in such precinct, then an entry shall be made in the appropriate column, "No," and if qualified, an entry shall be made in the same column, "Yes."

Fourth—Only such male persons of the age of 21 years, residing in such precinct, as apply personally for registration, shall be entered in such registers; but every applicant who would be 21 years of age on the day of the next election, if otherwise qualified, shall be entered on such registers. Every applicant who has commenced to reside in such precinct at least 30 days before such election shall be entered in such registry and shall be marked "qualified" or "disqualified," as the case may be; but unless, on the day of election, he shall have resided for 30 full days in such election precinct, he can not vote therein, although otherwise qualified.

Fifth—The headings to the registry book shall be so prepared that the registry shall be made alphabetically, according to the surname of each person applying, but it shall be arranged so that the residences of such persons shall appear in the first column. The register shall be ruled, and one name shall be written on each line, but no names shall be written between the lines. The entries shall be as follows:

First—Under the column "Residence" the name and number of the street, avenue or other location of the dwelling, if there be a definite number, and if there shall not be a number, such clear and definite description of the place of such dwelling as shall enable it to be readily ascertained. If there shall be more than one house at the number given by the applicant as his place of residence, state in which house he resides. And if there be more than one family residing in said house, either the floor on which he resides, or the number, or location of the room or rooms occupied by him, whether front or rear; every floor below the level of the street or ground being designated as the basement; the first floor above such level being designated as the first floor and each floor above that as the second or such other floor as it may be. If there shall be a flat building or an apartment house at the number given, state the number of the flat or apartment, as the case may be, in which he resides.

Second—Under the column "Name," the name of the applicant, writing the surname first, and given or christian name after.

Third—Under the column "Nativity," the State, country, kingdom, empire or dominion, as the fact stated by applicant shall be.

Fourth—Under the sub-division of the general column "Term of Residence," the periods by days, months or years stated by the applicant respectively, as to "At Present Address," "Precinct," "County," "State," and "United States."

Under the sub-division headed "At Present Address," the term of applicant's residence at the street and number given, and if that period is less than 30 days prior to the day of election then the applicant shall state at what location in the same precinct he resided immediately prior thereto, and the length of time, which statement shall be entered in the column headed "Remarks."

Fifth—Under the column "Age," the age of applicant. Under "Naturalized," the word "Yes," according to the fact stated.

Sixth—Under the column "Date of Papers," the date of naturalization, if naturalized, or about the date.

Seventh—Under the column "Court," the designation of the court in which, if naturalized, such naturalization was had; and, if the name of the court can not be had with certainty, then the name of the place in which such court was located.

Eighth—Under the column "By Act of Congress," the word "Yes," in case such person, though foreign born, has been made a citizen by act of Congress, without taking out his naturalization papers.

Ninth—Under the column "Qualified Voter," and word "Yes," or "No," as the facts shall appear, or be determined by a majority of the board of registry, it being, however, required of them to designate as a qualified voter any male person who, if otherwise qualified, shall not, at the time of making application, be of age: *Provided*, the time when such applicant shall be of the age of 21 shall be subsequent to the date of his application, and not later than the day of election immediately following such time of applying; but no

applicant shall be designated as a qualified voter who having been challenged, has not filed with said board of registry his affidavit of qualification, according to the provisions of this act.

Tenth—Under the column "Date of Application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in election precinct.

Eleventh—Under the column "Residence When Last Registered," the name and number of the street or avenue from which applicant was last registered, in the same city, village or town, and the month and year in which the election was held for which such registration was made. If the applicant has not previously been registered in said city, village or town, state "first registration." [As amended by act approved May 11, 1901. If force July 1, 1901. L. 1901, p. 199; § 197, ch. 46, R. S.]

396. SIGNATURE OF JUDGES AND CERTIFICATE.] § 4. At the end of each day's registry or revision of registration, said judges shall each sign his name at the end of the list on each page, so that no new name can be added without discovery, and shall also sign a certificate, as hereinafter provided, but before doing so, the said judges and clerks shall compare the three registers so kept and cause any differences to be corrected, and to make the same agree in all respects: *Provided*, that no additional statements shall be entered in the public register other than the names and residences of persons registered, and said judges shall then attach at the end of each register in substance in the words and figures following:

"We, the undersigned judges of election in precinct of the ward of the city of, in the State of Illinois, do jointly and severally certify that at the general registration of electors in said election precinct on the day of there were registered by us in the said election precinct the names which in this book are entered, and that the number of registered and qualified voters was and is the number of"

"Dated"

[§ 198, ch. 46, R. S.]

397. REGISTER TO BE HUNG UP—WRIT OF CHALLENGE—AFFIDAVIT—APPLICATION.] § 5. Said board of registry shall, by noon of the second day following such registry, hang up the register, which shall be known as the public register, at the place of registration, which shall be accessible to the public during all business hours and the other two registers shall be returned to the board of election commissioners within the time aforesaid. Any voter of the ward, village or town shall be permitted to be present at the place of registration in said ward and shall have the right to challenge any applicant who applies to be registered. And when challenged such applicant must make oath and sign an affidavit in writing as follows:

"I do solemnly swear that I am a citizen of the United States, am years of age, and that I have resided in the State of Illinois for the period of in the county of for the period of in the precinct of the ward in the city of, said county and State, for the period of and at No. street, in said precinct, for the period of and that I last registered in said city for the election of from No. street, and that I have never been convicted of any crime (or if convicted, state the time and when pardoned by the Governor of any state)."

This affidavit shall be signed and sworn to before one of such board of registry, and it shall be preserved and returned to the office

of said election commissioners immediately. If said board of registry shall deem such affidavit sufficient, and if the board is convinced that such person is a qualified voter, then he must be admitted to such register as qualified. Blank affidavits of the character of aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oath without criticism. If any judge of election, poll clerk or other person, when such applicant has been challenged, shall designate such person upon any of the registers as a qualified voter before he has made and filed with the board of registry the affidavit of the character aforesaid, such judge of election, poll clerk or other person shall upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not less than ten (10) days nor more than sixty (60) days, or by a fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment.

And any person claiming to be an elector of any election precinct in such city and who, upon application, is denied to [the] right to be registered as a qualified voter in such precinct, may make and sign an application in writing, under oath, to said board of election commissioners in substance in the following form:

"I do solemnly swear that I, did on make application to the board of registry of the precinct of ward, of the city of and that said board refused to register me as a qualified voter in said precinct, that I reside in said precinct, am a duly qualified voter and entitled to vote in said precinct at the next election."

All such applications shall be presented to the board of election commissioners by the applicant, in person, between the hours of 9:00 o'clock a. m. and 5:00 o'clock p. m. on Tuesday or Wednesday of the second week prior to the week in which such election is to be held. [As amended by act approved May 11, 1901. In force July 1, 1901. L. 1901, p. 204; § 199, ch. 46, R. S.]

398. REVISION OF REGISTER—SECOND MEETING—CORRECTIONS, ETC.—COPY.] § 6. On Tuesday, three weeks preceding said city, village, town, State or county election, said board of registry shall again meet at the place designated, and said clerks of election shall meet with them, and they shall remain in session from 8:00 o'clock a. m. until 9:00 o'clock p. m., for the purpose of registering all qualified voters not before registered and who shall apply in person to be registered. The same form shall be observed as to applications made on the second day as are required on the first day of registry.

At the end of such day's registration the said registers shall be examined, compared and made to agree: *Provided*, that no additional statements shall be entered in the public register other than the names and residences of the persons registered, and they shall then be signed by the judges in the same way as at the end of the first day's registry, and similar certificates shall be attached thereto.

The board of election commissioners shall furnish to the board of registry in each precinct a blank book, which shall be named "Verification Lists," each page of which shall be ruled into three columns, and shall be marked thus:

REGISTERED NAMES.

Street Number.	(Name) Street.	Names.
.....
.....
.....
.....
.....
.....
.....
.....
.....

Such book shall contain pages sufficient to allow six pages for each street, avenue, alley and court in the precinct. During the progress of the registration or immediately thereafter, the clerks of said board shall transfer all the names upon the register to such "verification lists" arranging them according to the streets, avenues, alleys or courts, beginning with the lowest residence number and placing them numerically, as near as possible, from the lowest up to the highest number. They shall first write the name of such street, avenue, alley or court at the top of the second column and then proceed to transfer the names to such "verification lists," according to the street numbers as above indicated.

If, during either day of registration, any registered voter of the ward, village or incorporated town shall come before the board of registry and make oath that he believes that any particular person upon said registry is not a qualified voter, such fact shall be noted; and after the completion of such "verification lists" such board or one of said judges shall make a cross or check mark in ink opposite such name. If said judges shall, however, know any person so complained of is a qualified voter, and shall believe that such complaint was made only to vex and harass such qualified voter, then such name shall not be put upon such list, but shall go upon such list in case any one of the judges desires. Said judges shall, before noon of the next day, hang up such public register at the place of registration, and within the same period of time return the other two registers to the office of said election commissioners. [§ 200, ch. 46, R. S.]

399. DUTY OF CLERKS—CANVASS OF PRECINCT—HOW MADE—VERIFICATION LIST—REFUSAL TO ANSWER QUESTIONS—POLICEMEN—PENALTY.] § 7. The clerks of election are hereby constituted canvassers of the precinct for which they are appointed, and upon the

Wednesday and Thursday following the second day of registration, if so much time should be required, said two clerks shall go together and canvass such precinct, calling at each dwelling place or each house where any one may reside in such precinct and each dwelling place as indicated upon said "verification lists," and if they shall find that any person upon their "verification lists" does not reside at the place designated thereby, they shall make a check mark or cross X opposite such name.

Whenever deemed necessary by said canvassers, or either of them, he or they may demand of the superintendent, captain, lieutenant or other person having command of the police in such portion of the city, village or town, to furnish a policeman to accompany them and protect them in their duties, when necessary; and it shall be the duty of such superintendent, captain, lieutenant or other person having authority over such police in such locality, to furnish a policeman for such purpose, and in default thereof such superintendent, captain, lieutenant or other person shall be deemed guilty of a misdemeanor under this act, and shall be liable to a penalty not exceeding \$100 nor less than \$25. If, in making such canvass any person shall refuse to answer questions and give the information asked for, and known to him or her, and shall wilfully and knowingly give false information, or make false statements, such person shall be deemed guilty of a misdemeanor under this act, and shall be liable to a penalty not to exceed \$100. In making such canvass said canvassers shall make special inquiry at the residences as designated in the registry and "verification lists" as to all the persons so registered as qualified voters and shall receive information from judges and party canvassers. [§ 201, ch. 46, R. S.

400. CANVASS TO BE COMPARED IN REGISTER—NAMES MAY BE ERASED—NOTICE TO PERSONS NOT ON LIST—DUTY OF CANVASSERS—PENALTY.] § 8. Immediately upon the completion of such canvass, said canvassers, or one of them, shall sign a notice and send the same through the United States mail, duly stamped, to the address given upon the registry and "verification lists," of all persons named therein against whose names they have made a cross or check mark, indicating that they did not reside at such place as before stated, and also to the address of all persons against whose names said registry board or judge of election has placed a check mark or cross in such "verification lists," which notice shall require such person to appear before the board of registry upon the Saturday following, giving the time of such session, and to show cause why his name should not be erased from such registry. Proper blanks and postage stamps shall be furnished for the purpose to said canvassers by the board of commissioners. A similar notice shall be also served by one of the said canvassers either at the time such canvass is being made or before the following Saturday, by leaving the same with the party, if found, or if he is not found at the place designated in such registry and "verification lists" by leaving the same at such address if there be such a place. Such notice, to be sent through the mail, must be mailed not later than 12 o'clock Friday noon of the week of such canvass. If sufficient postage stamps are not delivered to such can-

vassers by said board for the purpose aforesaid, then any one may furnish such postage stamps to such canvassers for that purpose, or such canvassers may procure the same at their own expense and afterwards render an account therefor to said commissioners, duly sworn to, and it shall be the duty of the said commissioners to audit such account and cause the same to be paid. It shall be the duty of such commissioners upon application, to deliver to such canvassers postage stamps sufficient for the purpose aforesaid, when not delivered before, and it shall be the duty of such canvassers, or one of them, to apply to said commissioners for such postage stamps, if sufficient number have not been delivered to them for the purpose aforesaid, and any willful neglect of said canvassers to make application for sufficient postage stamps, as aforesaid, and any willful neglect of such canvassers to mail the notice aforesaid to all of the parties checked and designated as aforesaid, and the willful neglect of such canvassers to leave the notice aforesaid at the place designated for such person so designated, and any willful neglect to check the name of any person on said "verification lists" transferred from the registry as aforesaid and not found at the place designated, and any willful neglect to transfer all the names from the registry as aforesaid to such "verification lists" in the manner aforesaid, shall be deemed a misdemeanor, and such canvasser or canvassers shall be punished, upon conviction thereof, by imprisonment in the county jail for not less than one month nor more than one year, and such canvassers shall also be liable to be punished by the county court of the proper county as for contempt, and be fined not less than \$50, or imprisoned in the county jail by such court for a period not exceeding one hundred days, or both, in the discretion of the court. And it shall be the duty of said board of election commissioners, when complaint is made to them, to investigate the action of such clerks or canvassers, and to cause them to be brought before such county court and to prosecute them as for contempt, and also, at their discretion, to cause them to be prosecuted criminally for such willful neglect of duty. [§ 202, ch. 46, R. S.]

401. THIRD MEETING OF BOARD—REVISION OF REGISTER—NO NEW NAMES TO BE ADDED—ERASING NAMES—NOTICE TO PARTIES—POWERS OF BOARD—APPLICATION TO ELECTION COMMISSIONERS.] § 9. On the Saturday following the Tuesday three weeks preceding such general county, city, village, town or State election, said board of registry shall again meet at the place designated, and the said clerks of election shall meet with them, and they shall remain in session from 6 o'clock p. m. to 10 o'clock p. m. for the sole purpose of revising their registry, and no new name shall be added. Said canvassers, or one of them, shall make out a list of the names of the parties checked and designated as aforesaid, and to whom such notice has been sent, given or left with the address, and make and attach his or their affidavit or affidavits thereto, stating that notice duly stamped was mailed to each of said parties at the places designated on such list, on or prior to 12 o'clock M. of the previous Friday, and that notice was also personally left at the said address of each of said parties named in said list so attached, if there be any such address, and said canvasser shall

also file in the office of the election commissioners on or prior to 6 o'clock p. m. on the Friday previous to such revision, an exact duplicate of such list and affidavit or affidavits. Blank affidavits shall be furnished by said commissioners for the purposes aforesaid; but if none are furnished, such canvassers shall cause the same to be drawn, and they shall swear to such affidavit before one of the judges of such precinct. If either of said canvassers shall wilfully neglect and fail to make such affidavit, with the list aforesaid attached, he shall be punished in the same manner as last above provided, and if such affidavit shall be wilfully false, the maker thereof shall also be punished in the manner last aforesaid, and shall also be liable for perjury.

If any person to whom such notice has been sent shall appear before the board of registry during the session, he shall make oath and sign an affidavit, in substance, as follows:

"I do solemnly swear that I am a citizen of the United States, and that I have resided in the precinct of the ward in the city of and the county of and the State of Illinois, since the day of and that I have never been convicted of any crime (or if convicted, state the time and when pardoned by the governor of any State)."

This affidavit shall be signed and sworn to before one of such board of registry, and it shall be preserved and filed in the office of said election commissioners. Thereupon said board of registry shall further examine him, and shall also swear such canvassers, and hear them upon the question, and they shall also have the power to send one or both of said canvassers to make further examination, and inquire at the place claimed by such person to be his residence, and again examine such canvassers touching the same; and if, after such further examination and hearing, the majority of said board are of the opinion that such person is not a qualified voter in such precinct, they shall mark the word "Yes" under the column of the register marked "Erase" and shall also draw a line in ink under his name, which memorandum, in case of any registration, shall indicate that the name of such person is erased from the register, and such person shall not be entitled to vote unless his name be restored as hereinafter provided. At the close of said session, if any person so notified to appear at such session has not appeared and shown cause why his name should not be erased from such register, the same shall be erased in the manner aforesaid. Any person having appeared at said session and whose name has been so erased may make application in writing under oath to the election commissioners upon the Tuesday and Wednesday following such revision, between the hours of 9 o'clock a. m. and 6 o'clock p. m., to be restored to such register. Either of said clerks shall have the power and right of both in the matter pertaining to such canvass; but in case either refuses or neglects to go and make such canvass, as aforesaid, then the other may make such canvass alone. But a clerk who wilfully neglects to perform his duty in making such canvass shall be deemed guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail not exceeding 60 days nor less than 30 days, and shall also be deemed guilty of a contempt of court, and be punished accordingly as an officer of said county court. In case of temporary disability on the part of either canvasser or clerk, the judge who belongs to the same party

may appoint a temporary clerk or canvasser, who shall belong to the same party, and administer to him the usual oath of office, and he shall perform all the duties of the office until the disability of the regular clerk or canvasser is removed. The "verification lists," aforesaid, after the final revision, shall be at once returned by the board of registry to the board of election commissioners. [§ 203, ch. 46, R. S.

402. REGISTERS TO BE COMPARED AND CORRECTED—ONE TO BE HUNG UP, TWO RETURNED—PRINTING REGISTER.] § 10. At the end of the last session above provided for, the said board of registry and said clerks shall compare and correct the three registers aforesaid and make them correspond and agree: *Provided*, that no additional statements shall be entered in the public register than the names and residences of persons registered, and said judges shall then, immediately following the last name on each page of the register, sign their names so that no other names can be added without discovery, and shall add the certificate as provided at former sessions. And thereupon, and during the forenoon of the next day, said judges shall hang up the register, known as the public register, in the place of registration for the use of the public, and shall return the other two registers to the possession of the board of election commissioners; and thereupon, the board of commissioners shall at once cause copies to be made of such registers of all names upon the same with the address, not marked erased, and shall have the same arranged according to the streets, avenues, courts or alleys, commencing with the lowest number, and arranging the same in order according to the street numbers, and shall then cause such precinct register, under such arrangement, to be printed in plain, large type in sufficient numbers to meet all demands, and upon application a copy of the same shall be given to any person in such precinct. § 204, ch. 46, R. S.

403. APPLICATION TO ERASE NAME—NOTICE.] § 11. Any voter or voters in the ward, village or town, containing such precinct, may, between the hours of 9 o'clock a. m. and 6 o'clock p. m. of Monday and Tuesday of the week immediately preceding the week in which such election is to be held, make application, in writing, before such board of election commissioners, to have any name upon such register of any precinct in the ward erased, which application shall be, in substance in the words and figures following:

"I (or we) do hereby solemnly swear (or affirm) that I (or we) believe that is not a qualified voter in precinct of ward of the city (village or town) of and hence I (or we) ask that his name be erased from the register of such precinct."

Such application shall be signed and sworn to by the applicant and filed with said board. Thereupon notice of such application, with a demand to appear and show cause why his name shall not be erased from said registry, shall be personally served upon such person or left at his place of residence, named in such registry, by a messenger of said board of commissioners, and, as to the manner and time of serving such notice, such messenger shall make affidavit; said messenger shall also make affidavit of the fact, in case he cannot find such person or his place of residence, and that he went to the place named on such register as his place of residence. Such notice shall

be served at least one day before the time fixed for such party to show cause. Said commissioners shall also cause a like notice or demand to be sent by mail, duly stamped and directed, to such person, to the address upon said registry, at least two days before the day fixed in said notice to show cause. Any voter making such application or applications shall be privileged from arrest while presenting the same to the board of election commissioners, and while going to and returning from the board of election commissioners. [§ 205, ch. 46, R. S.]

404. DOCKET OF APPLICATIONS—NOTICE—ORDER OF BUSINESS—RESTORING AND ERASING NAMES.] § 12. A docket of all applications to said commissioners whether such applications shall be made for the purpose of being registered, or for the purpose of erasing a name on the register, shall be made out in the order of the wards and precincts. The commissioners shall sit to hear such applications between the hours of 10:00 o'clock a. m. and 9:00 o'clock p. m. on the Tuesday, Wednesday and Thursday immediately preceding such election. At the request of either party to such applications, the commissioners shall issue subpoenas to witnesses to appear at such hearings, and witnesses may be sworn and examined by the commissioners upon the hearing of said applications. Each person appearing in response to an application to have name erased shall deliver to the commissioners a written answer, which shall be, in substance, in the words and figures following:

"I do solemnly swear that I am a citizen of the United States; that I have resided in the State of Illinois since the.....day of..... and in the county of..... said State, since the.....day of..... and in the.....precinct of the.....ward, in the city of..... said county and State, since the.....day of..... and that I am.....years of age; that I am the identical person registered in said precinct under the name I subscribe hereto."

This answer shall be signed and sworn to before one of the commissioners, and it shall be preserved and filed in the office of the commissioners. They shall take up the wards and precincts in their numerical order. The decision of each application shall be announced at once after hearing, and a minute made thereof, and when an application to be registered or to be restored to such register shall be allowed, the said board shall cause the same to be made upon the two registers of said precinct so in its possession. And where an application to erase a name shall be allowed, said board shall cause the same to be erased forthwith. [§ 206, ch. 46, R. S.]

405. COUNTY COURT—APPLICATION TO PUT NAME ON OR ERASE FROM REGISTER.] § 13. The county court of the county in which such city, village or incorporated town shall be located, shall, on Friday and Saturday of the week prior to the week in which such election is to be held, especially sit to hear such applications as shall be made to it to be placed upon the register in any particular precinct. Such applications shall be sworn to, and shall state that the party making the same has applied to the board of registry of the precinct and to the board of election commissioners, and that one or both boards refused to place him upon such registry, or has stricken his name from such registry, as the case may be. Application shall be made on or before the opening of the court on the Fri-

day last aforesaid, and the court shall cause a docket of such applications to be made out, arranged by wards and precincts, and the same shall be heard summarily and evidence may be introduced for and against such applications. Each case shall be decided at once on hearing, and the clerk of the court shall make a minute of the disposition of each application; a copy of such minute shall at once be given to said commissioners, who shall forthwith cause such names to be placed upon the appropriate register, and indicate that it was entered by order of court. After the entry of the applications, so allowed by said court, no further change shall be permitted, and the appropriate stamp prepared shall be affixed to the end of each page of names in each precinct registered by said board of commissioners. Said books of registry so prepared shall, on the day prior to the election, be delivered to the judges of election, one only, however, to be delivered to the judge or judges representing the same political party. No person admitted to the registry by order of such court or such board shall be protected by such order in case he should be indicted for false registration or false voting. [§ 207, ch. 46, R. S.]

406. REFUSAL OF APPLICATION—APPEAL BOND—EVIDENCE—RECORD.] § 14. In case said county court shall refuse any such application, an order shall be entered accordingly on the Wednesday following the session of the court held for the purpose aforesaid, and any person desiring to appeal from the said order may appeal to the Supreme Court of the State, if application be made therefor within five days after the entry of said order, and such appeal shall be allowed on the giving of an appeal bond in the penalty of \$250, conditioned to pay the expenses of such appeal. The time for filing such appeal bond and certificate of evidence shall be fixed by the court, and upon presentation to the court of a certificate containing the evidence heard at such hearing, within the time fixed by the court, the court shall sign the same, and thereupon the same shall become part of the record in said cause. [§ 208, ch. 46, R. S.]

407. SUPPLEMENTAL LIST TO BE PRINTED AND POSTED—DELIVERY OF.] § 15. A supplemental list of all persons who have been registered by order of said board, or by order of such county court, and a supplemental list of all persons erased from such registry by order of said board of commissioners or of said county court, of sufficient quantity to accommodate each precinct, shall be printed by such board; and thereupon, on the day of election, said board shall cause to be posted up at each precinct where such election is to be held, the original printed registry and supplemental lists aforesaid, and shall also cause a copy thereof to be delivered to each judge and clerk, and to all other persons of the ward, village or town demanding the same. [§ 209, ch. 46, R. S.]

408. GENERAL REGISTRATION—FORMS—BLANKS AND METHODS.] § 16. Every general registration shall be made in the same manner and in conformity with directions heretofore given. At every general registration every person desiring registration must appear in person and make application, under oath as in the case of the first registra-

tion herein provided. The same form and blanks and methods of proceedings shall be had before and by the board of registry, and by the canvassers and by and before the judges of election and election clerks, and by the board of election commissioners and county court, in every subsequent general registration as is directed herein for the first registration and election following the same. [§ 210, ch. 46, R. S.

409. WHEN LAST GENERAL RESIGNATION SHALL BE USED—REVISION OF—REMOVAL OF VOTER—CERTIFICATE—AFFIDAVIT.] § 17. At every election held in each city, village or incorporated town between the general registration above referred to (except in case of a special election in and for such city, village or town, or in some part of such city, village or town, and except at any judicial election held between such general registrations, at which election no other officers than judicial officers are to be voted for,) the last general registration shall be used, but the same shall be revised by the board of registry of each precinct where such election is to be held, and for that purpose the board of registry shall meet on Tuesday, three weeks preceding such election, and shall hold a session from 8 o'clock a. m. to 9 o'clock p. m. on that day, and names may be added to the registers in the same way, upon sworn application, as in the case of a general registration, and all the other forms and requirements are to be observed.

If a voter remove from one place to another in the same precinct, such party must appear before such board of registry when in session and make oath as to such removal, and the registers shall be corrected accordingly; and if not corrected, such person can not vote: *Provided*, that any voter, making such removal subsequent to the last session of such board of registry preceding such election, may make oath before one of the judges of such precinct that he is the identical person whose name appears upon the register, as having been registered at some other place in such precinct (naming the place,) and giving the date of his removal (which shall be subsequent to the last session of the board of registry previous to the day of election,) and such statements shall be verified by two householders, residing in such precinct, that he is the identical person so registered at such other place in the precinct, whereupon such judges of election, if they believe him to be the same person registered at such other place, and that he made the removal at the time specified in such sworn statement shall receive his vote.

The fact that a voter is registered in one precinct from which he has removed, shall not prevent him from being registered in another precinct into which he has removed: *Provided*, he is otherwise entitled to be registered therein: *And provided, further*, that it shall be the duty of the board of election commissioners to remove his name from the registry book of the former precinct immediately on the registers being returned into their office; and it is made the duty of the judges of election to question every voter offering himself to be registered as to whether he was or is registered in any other precinct, and to make a note of the fact of such resignation and his address, at the time he so registered in a column to be provided in two registry books for that purpose. [§ 211, ch. 46, R. S.]

410. VERIFICATION LISTS—MODE OF KEEPING.] § 18. Blank books named "verification lists," shall be furnished to the board of registry in all intermediate registrations, the same as in case of a regular or general registration, as provided for in section 6, article 3, hereof, and the clerks of election shall transfer to said "verification lists" all of the names already upon the registry at the commencement of such intermediate registration, and all new names added thereto on such day of intermediate registration, in the same manner and form as provided in said section 6, and the duties of the judges and the clerks in regard to such "verification lists" shall be the same as provided in said section last mentioned. [§ 212, ch. 46, R. S.]

411. REGISTERS—HOW SIGNED, COMPARED, CERTIFIED AND RETURNED.] § 19. At the end of such session such registers shall be made to agree, and where there is any difference the majority of said board shall decide the same: *Provided*, that no statements shall be entered in the public register other than the names and addresses of persons registered; and then each of said judges shall sign each page of each register made, below the last name on each page, so that no name can be added thereto without discovery, and the usual certificate shall be added. Two of such registers shall be returned to said board of election commissioners by noon next day, and the one called the "public register" shall be hung up in the place of registration. [§ 213, ch. 46, R. S.]

412. DUTY OF CLERKS AS CANVASSERS.] § 20. The clerks of election of such intermediate registration are hereby constituted canvassers of the precincts in which they are appointed, and the same duties are imposed upon them and upon all other persons in reference to such canvass as are required to [of] such canvassers, under section 7, article 3, hereof. [§ 214, ch. 46, R. S.]

413. INTERMEDIATE REGISTRATION.] § 21. In the matter of such intermediate registration, notices shall be given as required by section 8, article 3, hereof, and every provision of said section 8, and every duty, penalty and punishment therein provided shall be applicable and in full force as to such intermediate registration. Said board of registry is specially charged to look after such canvassers and see to it that the law is observed in all its parts by such canvassers, and any wilful neglect shall render such judges liable to the same extent and for like penalties and punishment as are such canvassers hereunder. The board of election commissioners shall give special directions to such canvassers in writing or print in regard to their duties as such, and the penalties to be incurred by them for the neglect thereof, and also to the registry board of their duties in making such revision, in order and to the end that no name shall be left upon such registry of any person not entitled to vote in such precinct. [§ 215, ch. 46, R. S.]

414. MEETING OF BOARD TO REVISE REGISTER.] § 22. On Saturday following the Tuesday of such intermediate registration, such board of registry shall meet again at the place designated, and said clerks of election shall meet with them, and they shall remain in session from 6:00 o'clock p. m., until 10:00 o'clock p. m., for the pur-

pose of revising such registry, and thereupon such proceedings shall be had and taken by said canvassers, and said board of registry as are provided for in section 9, article 3, hereof, and all the duties to be performed and all the penalties and punishments therein provided shall be applicable and in force as if here again repeated with reference to such intermediate registration and canvass and revision. No new names shall be added at such meeting. Said "verification lists" shall be disposed of as provided in section 9. [§ 216, ch. 46, R. S.]

415. REGISTERS—HOW COMPARED, SIGNED, CERTIFIED AND RETURNED TO ELECTION COMMISSIONERS.] § 23. The three registers shall then be compared and be made to agree where there is any difference, except that no additional statements shall be entered in the public register other than the names and residences of the persons registered, and all three shall be signed at the bottom of each page by all of said judges immediately under the last name on that page, so that no new names could be added without discovery. Such revision of the registry by said board of registry shall then be considered closed, and no other names can be added by said board, and a certificate of the number of qualified voters shall then be attached, and one of said registers, designated as the public register, shall then be hung up at the place of registration for public inspection at all times prior to the election; and the other two books of registry shall, by noon of the next day, be returned to the said board of election commissioners. [§ 217, ch. 46 R. S.]

416. COMMISSIONERS TO HAVE REGISTERS COPIED, PRINTED POSTED AND DISTRIBUTED.] § 24. Said board of election commissioners shall immediately upon the return of said registers, cause the registry of each precinct to be copied and arranged according to street numbers, as in case of the first registration, and shall cause a suitable number of each precinct to be printed for distribution, and shall cause a suitable copy thereof to be posted, and copies given to the judges and clerks, as provided in case of first registration; and also to furnish printed supplemental lists, as before directed as to the first registration. [§ 218, ch. 46, R. S.]

417. BOARD OF ELECTION COMMISSIONERS MAY HEAR APPLICATION FOR ERASURE OF NAMES AND FOR REGISTRATION OF NAMES THEREON.] § 25. Said board of election commissioners shall hear applications for the erasure of names upon the registry and for the registration of persons thereon in the same way and form and at the same time or times as is provided with reference to such original or new registration, and the same methods are to be adopted, and in all particulars the proceedings shall be the same before the board of election commissioners and before the county judge with reference to reinstatement and erasures as is provided for with reference to such original or new registration. [§ 219, ch. 46, R. S.]

418. POSSESSION AND RETURN OF REGISTERS TO COMMISSIONERS—CORRECTIONS.] § 26. On election day said judges shall take possession of said third or public register, and after such election, and

on the next day, all three of said registers shall be returned to said board of election commissioners, and said third public register shall, immediately after such election, be corrected by said board of commissioners, so as to correspond with the other two registers, or in case it shall be mutilated, or in case any register of any precinct shall be lost, said board of commissioners shall cause a true copy to be made from the other register or registers: *Provided*, that no statements shall be entered in the public register other than the names and residences of the persons registered, so that prior to the next meeting of the board of registry there shall be three registers for each precinct. This section is made applicable, and it shall be the duty of the judges of election to observe it, after each and every election. [§ 220, ch. 46, R. S.]

419. SPECIAL ELECTIONS—NEW REVISION OF REGISTER—HOW CONDUCTED.] § 27. At any special election occurring in a portion of such city, village or town, only, or which is to fill a vacancy occurring in a single office, and at all judicial elections, at which no other than judicial officers are to be elected, there shall not be a previous revision of the registry. But at such special or judicial election any legal voter of a precinct shall be entitled to vote in case he shall file with the judges of election an affidavit, stating the time when he removed into such precinct and the length of his legal residence in such precinct, county and State, and that he has removed into that precinct since the last registration of electors at the last election, and that he is a legal voter of such precinct, supported by an affidavit of a registered voter and householder of the precinct that he knows such person, and that his statements as to his time of residence, as aforesaid, are correct, and that such person is a legal voter in such precinct. But it shall be the duty of such judges of election to examine him on oath as to his qualifications, and, if they are of the opinion that he is not a legal voter, or did not remove into such precinct since the last general or intermediate registration, they shall not accept his vote. The books of registry shall be used at such elections, and no one can vote unless upon such registry, except under the circumstances and through the method aforesaid. All affidavits shall be returned to the office of such election commissioners by the judges of election after every registration and after every election. [§ 221, ch. 46, R. S.]

420. INSPECTION OF REGISTERS.] § 28. The registers in the office of the election commissioner shall, at all times, be open to public inspection without charge. [§ 222, ch. 46, R. S.]

421. DELIVERY OF REGISTERS, BALLOT BOX, ETC., TO JUDGES.] § 29. Said judges of election of any precinct shall, on the day preceding any election, call at the office of said commissioners, and receive two registers of such precinct, one being received by the representative of one leading political party, and the other by the representative of the other leading political party. The ballot box of such precinct shall be delivered to one of said judges, with the key, and it shall contain the poll books and all the blanks and stationery required for such election. [§ 223, ch. 46, R. S.]

422. PENALTY FOR MUTILATING OR DESTROYING PUBLIC REGISTER.]
§ 30. If any person shall wilfully remove, mutilate or destroy the public register hanging up at the place of registry, he shall be guilty of a misdemeanor, and, upon conviction, shall be imprisoned in the county jail not less than three months nor more than 12 months. [§ 224, ch. 46, R. S.

423. FILLING VACANCY IN BOARD OF REGISTRY.] § 31. Any vacancy upon such board of registry, on the day of registration, shall be filled by the judge or judges present, always selecting a person of the same political party as the party absent, and the same oath shall be administered by one of the judges present to such temporary judge, as provided for regular judges. Whenever any regular judge shall return or be present, such temporary incumbent shall vacate his office. [§ 225, ch. 46, R. S.

424. AFFIDAVITS TO BE RETURNED TO COMMISSIONERS—REGISTERS, HOW ENCLOSED—WHEN TO BE OPENED—TO WHOM TO BE DELIVERED—PENALTY FOR BREAKING SEAL.] § 32. All affidavits left with the judges of election at any registration, revision of registration or election, shall be immediately returned to the office of the election commissioners. Said affidavits, before being so returned, must be enclosed in an envelope provided for that purpose, which shall then be securely sealed with sealing wax or other adhesive material, and each of the judges shall write his name across the seal. Said judges of election of any precinct shall, on the day preceding any registration or election, and upon the day of any revision, call at the office of said commissioners and receive the registers of such precinct, each register, except the public register, being enclosed in an envelope and sealed with a stamp of the chief clerk of the election commissioners' office. Such envelope shall not be opened by the judges of election until the beginning of the session of registration, revision or election at which the register is to be used, and shall only be opened when all of the judges are present. Immediately at the close of any registration, revision or election, each of the registers, except the public register, shall be enclosed in an envelope provided for that purpose and securely sealed with sealing wax or other adhesive material, and each of the judges and each of the election clerks shall write his name across every fold at which the envelope, if unfastened, could be opened. Thereupon a judge of each of the leading political parties shall take one of such registers so enclosed and sealed and, within the time specified in this act, shall deliver said envelope with register enclosed to the board of election commissioners, with the seal unbroken, and receive a receipt therefor. There shall be endorsed upon the back of such envelope the number of the precinct and ward of the enclosed register, and the signature of the judge who delivers the same to the election commissioners. If any judge of election shall break the seal of, or open any envelope containing affidavits, or registers, or shall permit any person to open any such envelope, or break the seal thereof while the same is in his custody, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be imprisoned in the county jail not less than three months nor more than 12 months. [§ 226, ch. 46, R. S.

425. TO NOTE CONDITION OF REGISTER—WHEN TO BE OPENED.] § 33. The said board of election commissioners, upon the receipt of said register so enclosed, shall note the condition of the seal of said envelope, and the signatures of the judges and clerks thereon, and enter the fact touching the same upon a book to be kept by them, together with the name of the officer who returned such register. They shall thereupon open said envelope and remove the register contained therein, and note upon the same memorandum book its condition. The public shall not have access to such register except in the presence of a clerk of the election commissioners, and under the direction of the chief clerk. [§ 227, ch. 46, R. S.]

426. USING STATEMENT ILLEGALLY, ETC.—PENALTY.] § 34. Every judge of election, or poll clerk, who shall copy any statement contained in any register or affidavit provided in this act, with the intent to use said statement illegally:

Or shall at any election give to any person, information contained in any register to assist or aid any person to do any act by law forbidden or in this act constituted an offense:

He shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than three months nor more than twelve months. [§ 228, ch. 46, R. S.]

ARTICLE IV.

427. TIME OF OPENING AND CLOSING POLLS—PRESENCE OF JUDGES AND CLERKS.] § 1. The election polls shall be open at six o'clock in the morning, and continued open until four o'clock in the afternoon, of the same day, at which time the polls shall be closed, and if any judge or clerk shall be behind time for fifteen minutes after the time for opening such polls, he shall be guilty of a misdemeanor under this act and punished accordingly. No judge or clerk shall absent himself to exceed five minutes at any time until the ballots are all cast and counted and returns made. And when absent for any cause, said judge or clerk shall authorize some one of the same political party with himself to act for him until his return. [§ 229, ch. 46, R. S.]

428. JUDGE OR JUDGES PRESENT MAY FILL PLACE OF ABSENT JUDGE—ABSENCE—PENALTY—DETAINING REGISTER, ETC.] § 2. If any judge or clerk shall not be present after the expiration of fifteen minutes from the time to open the polls, the judge or judges present shall fill the place of such absent judge or clerk, always selecting a person of the same political party as the party absent. And one of the judges shall administer to such substitute the oath as required of the judge or clerk originally appointed, and blank forms shall be sent out by the commissioners for such purpose, which oath shall be preserved and returned to the commissioners, and such appointee shall be considered an officer of the county court, and subject to the same punishment and penalties as any other judge or clerk. Whenever such regular judge or clerk shall be present such substitute shall cease to act. Any judge or clerk who shall wilfully absent himself

from the polls on election day, without good cause, shall be guilty of a misdemeanor, and be subject to a fine or penalty of \$500. And if such judge or clerk shall wilfully detain any register or poll book, and not cause it to be produced at the polling place at the opening of the polls, or for 15 minutes thereafter, he shall be deemed guilty of a misdemeanor, and on conviction, shall be imprisoned not less than three months nor more than one year in the county jail, or be fined not less than \$200 nor more than \$1,000. [§ 230, ch. 46, R. S.

429. BALLOT BOX NOT TO BE REMOVED FROM PUBLIC VIEW—PENALTY—REMOVAL OF OBSTRUCTION.] § 3. Before voting begins the ballot box shall be empty, and shall be opened and shown to those present to be empty, and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor, and, on conviction, shall be fined a thousand dollars if such ballot box shall not be kept constantly in public view during the progress of the election; unless it shall be shown by such judge that he protested against such obstruction of the view of the ballot box, and was overruled by a majority of the judges. If any barricade or other obstruction of any kind shall be, prior to or during such election, interposed, so that all who desire can not constantly see such ballot box, it shall be the duty of such judges to remove such obstruction on request or on their own motion, and if such obstruction shall not be removed on request, it shall be the duty of any sheriff, constable or police officer to remove the same on request. And such judges shall be guilty of a misdemeanor and liable to a penalty of a thousand dollars, on conviction, for not removing the same on demand, and shall be imprisoned in the county jail not less than six months nor more than two years. Any judge or justice of the peace shall have jurisdiction, on complaint, to issue a warrant to any constable, or the sheriff of the county, to remove such obstruction as a nuisance; and in executing such warrant he may call any person to his assistance, and no other officer of the law or private individual shall interpose or interfere with such removal; and if he does he shall be guilty of a misdemeanor, and, on conviction, shall be imprisoned in the county jail not less than 60 nor more than 90 days. [§ 231, ch. 46, R. S.

430. HOW NAME OF VOTER TO BE ENTERED.] § 4. Each of the clerks of election shall keep a poll book which contains a column headed "Number," another headed "Residence," and another headed "Names of Voters." The name of such elector voting shall be entered upon each of the poll books by the clerks in regular succession, under the proper headings, and the number of such voter placed opposite the name in the column headed "Number." [§ 232, ch. 46, R. S.

431. PERSON DESIRING TO VOTE MAY BE QUESTIONED—MAY BE CHALLENGED—OATH—IF REGISTERED MAY PRODUCE AFFIDAVIT OF REGISTERED VOTER—STATEMENT IN BOOKS—WHO MAY ADMINISTER OATHS.] § 5. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof,

shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, county, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of said judges shall administer to him an oath to answer questions, and if he shall take said oath he shall then be questioned by said judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in such precinct, county and State; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. Also supported by an affidavit by a registered voter, who is a householder residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct, county and State for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received and entered as other votes. But such clerks and the judges having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to said judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. One of said judges of said election shall receive the ballot from the voter, and shall announce the residence and name of such voter in a loud voice. Said judge shall then put said vote into the ballot box in the presence of the voter and the judges and clerks of election, and in plain view of the public. The judges having charge of such registers shall then, in a column prepared thereon, in the same line of of the name of the voter, marked "Voted" or the letter "V." [§ 233, ch. 46, R. S.]

432. VOTER'S NAME MUST BE IN REGISTER.] § 6. The vote of no one shall be received by said judges whose name does not appear upon said registers as a qualified voter. [§ 234, ch. 46, R. S.]

433. POLITICAL PARTIES—CHALLENGERS—WATCHERS—CANVASS—POLICEMEN TO BE PRESENT.] § 7. At every election each of the political parties shall have the right to designate and keep a challenger at each place of registration, revision of registration and voting, who

shall be assigned to such position, immediately adjoining the judges of election, inside the polling or registration place, as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the judges of election and the officers of the law. And authority signed by the recognized chairman or presiding officer of the chief managing committee of a party in any such city, village or incorporated town, shall be sufficient evidence of the right of such challenger to be present inside the room where the ballot box is kept. But in case any challenger can not or does not produce the authority of such chairman, it shall be the duty of said judges of election to recognize a challenger that shall be vouched for and presented to them by the persons present belonging to such political party, or who shall be vouched for by the judge representing such party. The chairman of the managing committee of each political party for such city, village or town, may remove any challenger appointed by him. The challenger, so appointed and admitted to the room where such ballot box is kept, shall have the right and privilege of remaining during the canvass of the votes, and until the returns are duly signed and made. Each political party shall also have the right to a challenger, placed conveniently outside of the polling place, but not in the way of the voters. In addition to such challenger, each of the political parties casting votes at such poll, at the close of the polls shall have the right to the admission of two persons of their political faith into the room where such ballots are to be canvassed to watch such canvass, which watchers may be selected by the captain of the ward or precinct or other persons managing the political interests for such party in such ward or precinct, and, in the absence of such selection, it shall be the duty of the judges of such election, to admit into such room two persons of each political party so voting at such election, and who shall be vouched for by the judge or judges representing such political party to be present during the canvass of such votes, and the making of such returns. That such persons shall be of good character and sober, and shall in no wise interfere with such canvass. The officers of the law shall in no manner interfere with the entrance of such watchers into such room, but they shall keep order, and in case of any disorderly conduct on the part of any bystanders or watchers, it shall be the duty of the police or sheriff to exclude such persons from such room. It shall also be the duty of such judges of election to admit one or more officers of the law to be present in such room at the time of such canvass. [§ 235, ch. 46, R. S.

434. AUTHORITY OF JUDGES—PERSON MAKING ARREST.] § 8. Said judges of election shall have authority and it shall be their duty to keep the peace, and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of registration, revision, election or of the canvass of the ballots; and it shall be the duty of all officers of the law present to obey the order of such judges of election, or either of them.

and an officer making an arrest, by direction of any judge, shall be protected in making such arrest the same as if a warrant had been issued to him to make such arrest. [§ 236, ch. 46, R. S.]

435. CANVASS TO COMMENCE IMMEDIATELY UPON CLOSE OF POLL—NOT TO BE ADJOURNED—CHALLENGERS AND WATCHERS TO BE PRESENT.] § 9. As soon as the poll of an election shall have been finally closed, the judges of election, in their several precincts, shall immediately, and at the place of the poll, proceed to canvass the vote so cast. Such canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements hereinafter required to be made by the judges and clerks shall have been made out and signed by them. The judges of election shall have the right to station one or more police officer or officers of the peace, at such entrance to the room where such canvass is begun, or about to take place, to exclude disorderly persons, and to keep the peace. The challengers present, and the watchers of such canvass, shall be allowed to be present, and so near that they can see that the judges and clerks of said election are faithfully performing their duties. Each candidate for an office to be filled at such election, by certificate in writing, signed by him, may designate one person for each election precinct in which he is a candidate, to be present at such canvass of the ballots, and such persons shall be admitted to a position in said room as a watcher of such canvass. And the judges of election shall permit him to be present, and be so near to them that he can see that such canvass and the statements required by them of the votes are correctly made, and no judge of election or police or other officer shall allow such person to be molested or removed during the canvass of such ballots, nor until such statements have been made, completed and signed, unless he shall be personally guilty of fraudulent or disorderly conduct. [§ 237, ch. 46, R. S.]

436. CANVASS OF VOTE—HOW MADE.] § 10. The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any, found folded inside of a ballot. And if the ballot and the poll lists still do not agree after such rejection, they shall reject as many of the ballots as may be necessary to make the ballots agree in number with the names entered on each of the poll lists; the ballots shall be replaced in the box and the box closed and well shaken, and again opened; and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess. And the ballots or poll lists agreeing, or being made to agree in this way, the board shall proceed to count the votes in the following manner: Said judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be, alike, and exclude from such files any which may have a name or an erasure, or in any manner shall be different from the others of such file. One of said judges shall then take one file of the kind of ballots which contain the same names, and count them by tens, carefully examining each name on each of said

ballots. Such judge shall then pass the ten ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, who shall then pass them to the third judge, who shall also count them in the same manner. Then the third judge shall call the names of the persons named in the ten ballots, and the offices for which they are designated, and the poll clerks shall tally ten votes for each of such persons. When said judges shall have gone through such file of ballots, containing the same names, and shall count them by tens in the same way, and shall call the names of the persons named in said ballots and the office for which they are designated, the tally clerks shall tally the votes by tens for each of such persons in the same manner as in the first instance. When the counting of each file of ballots which contain the same names shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed; and when they agree upon the number, one of them shall announce it in a loud voice to the judges. The said judges shall then canvass the other kinds of ballots which do not correspond, those containing names partly from one kind of ballots and partly from another, being those usually called "split tickets," and those from which the name of the person proper to be voted for on such ballots has been omitted or erased, usually called "scratched tickets." They shall be canvassed separately by one of the judges sitting between the two other judges, which judge shall call each name to the poll clerks, and the office for which it is designated, and the other judges looking at the ballot at the same time, and the poll clerks making tally of the same. When all the ballots have been canvassed in this manner, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the numbers one of them shall announce in a loud voice to the judges the number of votes received by each candidate on each of the kinds of ballots containing his name, the number received by him on the split and scratch tickets, and the total number of votes received by him. [§ 238, ch. 46, R. S.]

437. BALLOTS STRUNG.] § 11. Each batch of ten ballots counted by the judges of election shall, as soon as counted, read and tallied, be strung upon a strong string, thread or twine in the order in which they have been read; and each batch shall thus be disposed of before the commencement of the count as to the next batch. [§ 239, ch. 46, R. S.]

438. WHEN PROPOSITION SUBMITTED — HOW VOTE CANVASSED.] § 12. Whenever any proposition is submitted to a vote of the people and is printed or written upon the same ticket, with the names of candidates for office, the names, together with such proposition, shall be canvassed in the following manner: All the ballots shall be first separated into three piles; the first pile containing all the ballots in favor of such proposition; the second pile containing all the ballots against such proposition, and the third pile containing all the ballots not mentioning such proposition, or being neither for nor against such proposition. Each of the judges shall then examine each pile and see that the separation has been properly made. Then the first

pile shall be counted by tens, and the result announced to the clerks, who shall tally the same by tens. And so the second pile shall be counted, announced and tallied, and likewise the third pile, if necessary. Whereupon the clerks shall announce to the judges the number of votes for and the number of votes against such proposition. The ballots for or against any proposition submitted shall always be canvassed, counted and tallied before the names of candidates for any office are canvassed, counted or tallied. [§ 240, ch. 46, R. S.]

439. WHEN TALLY SHEETS CONTAIN NO HEADING FOR PROPOSITION—DUTY OF JUDGES.] § 13. If the tally sheet and returns should contain no heading for any proposition submitted, it shall be the duty of the clerks to write into such tally sheets and returns the headings necessary in order to keep a correct tally, and to make a correct and accurate return, and it shall be the legal duty of the clerks and judges of election to make a true count and correct return of all votes upon any such proposition, and any willful failure or neglect of any judge or clerk to do so shall constitute a felony, and, on conviction, such judge or clerk shall be sent to the penitentiary for not less than three years nor more than five years. [§ 241, ch. 46, R. S.]

440. JUDGES TO PROCLAIM NUMBER OF VOTES, ETC.] § 14. When the canvass of the ballots shall have been completed, and the poll clerks shall have announced to the judges the total number of votes received by each candidate, each of the judges of election in turn shall then proclaim, in a loud voice, the total number of votes received by each of the persons voted for in such precinct, and the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people. Such proclamation shall be *prima facie* evidence of the result of the canvass of such ballot. [§ 242, ch. 46, R. S.]

441. RETURN—WHAT TO CONTAIN—CERTIFICATE OF JUDGES AND CLERKS—TO WHOM DIRECTED.] § 15. The said judges of election shall make quadruple statements of the result of the canvass, one of which shall be written, or partly written and partly printed, in each of the poll books used at such election. Each of the statements shall contain a caption stating the day on which, and the number of the election precinct in the ward, city and county in relation to which, such statement shall be made, and the time of opening and closing of the polls of such election precinct. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written and partly printed, in words at length; and in case a proposition of any kind has been submitted to a vote at such election, such statements shall also show the whole number of votes cast for or against such proposition, written out, or partly written and partly printed, in words at length. And at the end thereof a certificate that such statement is correct in all respects; which certificate, and each sheet of paper forming part of the statement shall be subscribed by the said judges and election clerks. If any judge or election clerk shall decline to sign such return, he shall

state his reasons therefor in writing, and a copy thereof signed by himself shall be enclosed with each return. Each of the statements, except the one contained in each of the poll books, shall be enclosed in an envelope, which shall then be securely sealed with sealing wax, or other adhesive material: and each of the judges and each of the election clerks shall write his name across every fold at which the envelope, if unfastened, could be opened. One of the envelopes shall be directed to the county clerk and one to the comptroller of the city, or to the officer of such city whose duties correspond with those of comptroller. Each set of tallies shall also be signed by the election clerks and judges of the election. And each shall be enclosed in an envelope, securely sealed and signed, in like manner; and one of the envelopes shall be directed on the outside to the election commissioners and the other to the city, village or town clerk. On the outside of every envelope shall be endorsed whether it contains the statements of the votes cast or the tallies, and for what precinct and ward, village or town. [§ 243, ch. 46, R. S.]

442. POLL BOOKS TO BE PLACED IN BALLOT BOX, ETC.] § 17. The poll books, which contain two of the several statements or returns, shall be placed in the ballot box, and the ballot box shall then be locked and the key removed, whereupon said judges of election shall all write their names upon a strip of paper of sufficient length for the following purpose: Said strip of paper, after the signing of their names thereon by said judges, shall then be pasted over the keyhole in said ballot box, and extending upward to the upper lid of the box, and carried for some distance over the top, and it shall be placed in such a way that the signatures of said judges shall extend across the place of opening of the lid of the box, so that when the box is opened it shall tear such paper and destroy the signatures written thereon, and so that when a key shall be inserted in the keyhole it will tear the paper so placed over the keyhole. Such paper shall be fastened with sealing wax or by any other adhesive material, which will not permit the removal of such slip of paper without defacing the same. [§ 245, ch. 46, R. S.]

443. JUDGES TO DELIVER BALLOT BOX, ETC., TO ELECTION COMMISSIONERS.] § 18. Thereupon one of the judges of election shall take charge of said ballot box and its contents so enclosed, and one of the judges, who shall represent the opposite political party from the one taking the ballot box, shall receive and hold the key thereto. The two judges, who do not have charge of the ballot box, shall each take one of the statements of the votes cast into his possession, sealed up in the envelopes as aforesaid, and each of the clerks shall take one of the tally sheets sealed up in the envelope as aforesaid. Thereupon and before twelve o'clock of the day after such election, the judge having possession of such ballot box shall deliver the same with the contents, as aforesaid, to the board of election commissioners, with the seal unbroken, and shall receive a receipt therefor; and within the same period of time the judge having possession of such key shall deliver the same to such board of commissioners and receive a receipt therefor, and the two judges, not having possession of the ballot box, and the two clerks, shall each before twelve o'clock of the next

day, after such election, deliver the statements and tallies so in their possession, respectively, to the respective officers to whom addressed, as aforesaid, and who, by this act, are entitled to receive the same, and, when delivered, each one shall take a receipt from the officer to whom delivered. And none of them shall receive pay for their services as such judges or clerks, without the production of the receipts so given them by the officers aforesaid. It shall be the duty of the respective officers so designated to whom such statements and tallies are ordered to be delivered, to receive the same, and to safely keep under lock and key until ordered to be surrendered as herein-after provided. [§ 246, ch. 46, R. S.]

444. COMMISSIONERS TO RECEIVE, NOTE CONDITION AND OPEN BALLOT BOX.] § 19. The said board of election commissioners, upon the receipt of said ballot box, and key thereto, shall note the condition of the seal or stamp on said box, and enter the fact touching the same upon a book to be kept by them, together with the name of the officer who returned such ballot box. They shall thereupon open said ballot box and remove the poll books containing the returns of the votes cast, and note upon the same memorandum book their condition, and shall put them in a secure place under lock and key, to which the public, in no event, shall have access. [§ 247, ch. 46, R. S.]

ARTICLE V.

445. CANVASSING BOARD TO OPEN RETURNS—ABSTRACT OF VOTES—HOW MADE.] § 1. Within seven days after the close of such election, the county judge, with the assistance of the city attorney and the board of election commissioners, who are hereby declared a canvassing board for such city, shall open all returns left, respectively, with the election commissioners, the county clerk and city comptroller, and shall make abstracts or statements of the votes in the following manner, as the case may require, viz.: All votes for Governor and Lieutenant Governor on one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for representatives to congress on another sheet; all votes for judges of the supreme court on another sheet; all votes for clerks of the supreme court on another sheet; all votes for clerk of the appellate court on another sheet; all votes for judges of the circuit court on another sheet; all votes for senators and representatives to the general assembly on another sheet; all votes for members of the State Board of Equalization on another sheet; all votes for county officers on another sheet; all votes for city officers on another sheet: all votes for town officers on other sheet; and all votes for any other office on a separate and appropriate sheet; all votes for any proposition which may be submitted to a vote of the people, on another sheet, and all votes against any proposition submitted to a vote of the people, on another sheet. [§ 248, ch. 46, R. S.]

446. CANVASS TO DECLARE RESULT—MAKE ABSTRACT—CERTIFICATE—FORCE OF.] § 2. It shall be the duty of such board of canvassers to canvass, and add up and declare the result of every election

hereafter held within the boundaries of such city, village or incorporated town, and the county court shall thereupon enter of record such abstract and result, and a certified copy of such record shall thereupon be filed with the county clerk of said county; and such abstracts or results shall be treated, by said county clerk in all respects, as if made by the canvassing board now provided by law, and he shall transmit the same to the Secretary of State, or other proper officer, as required by law. And such abstracts or results so entered and declared by such county court, and a certified copy thereof, shall be treated everywhere within the State, and by all public officers, with the same binding force and effect as the abstract of votes now authorized by the general law of the State. [§ 249, ch. 46, R. S.]

447. COUNTY CLERK—CERTIFICATE OF ELECTION.] § 3. The county clerk shall make out a certificate of election to each person having the highest number of votes for the several county and town offices, and deliver such certificate of election to the person entitled to it, on his application. [§ 250, ch. 46, R. S.]

448. COUNTY CLERK—CERTIFICATE UNDER ORDER OF COURT—CITY OFFICERS, ETC.] § 4. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes, as declared by the order of said court, for the several city and town offices within said city, including aldermen, and deliver such certificate of election to the person entitled to it, on his application. [§ 251, ch. 46, R. S.]

449. CANVASSING BOARD—CITY OR TOWN OFFICE—TIE VOTE.] § 5. In the canvass of such votes by the canvassing board, provided in said act, said board shall declare who is elected to any city or town office. In the case of a tie in the election to any city office, or to any office voted for only within the territory of such city, it shall be determined by lot, in such manner as such canvassers shall direct, which candidate or candidates shall hold the office, and thereupon the person in whose favor it shall result, shall be declared elected by the order entered in said county court as aforesaid. [§ 252, ch. 46, R. S.]

450. DUTY OF CANVASSING BOARD UPON INDICATION OF CHANGE OR FRAUD.] § 6. If, upon opening the various returns so made by the board of canvassers as aforesaid, there shall be anything to indicate that a change has been made in such returns since signing the same by the judges or clerks, or if any fraud in any respect touching such returns, it shall then be the duty of said canvassing board to have all the tallies opened and examined. If there shall be any doubt as to the genuineness of such returns for any precinct, and as to the actual vote as originally returned, and the truth respecting the same remains uncertain, it shall be the duty of such canvassers to examine any person or persons, who were present at the time of the proclamation so made by the judges of election in such precinct, about which any doubt arises, and the board shall be permitted to place such parties or witnesses on oath, and examine them touching the same, and it shall be their duty to call such parties who were present at the time of such proclamation to come before them, and a subpoena may

be issued by the county court, under the direction of said board, compelling any such witnesses to come before said board and give their evidence touching the matter in controversy; and thereupon it shall be the duty of said board to declare the result of the vote in any such precinct, in regard to which any question arises, as it was proclaimed by the judges of election after the canvass by them in such precinct, which result, when so declared, shall be binding and conclusive. [§ 253, ch. 46, R. S.]

451. PRESIDING OFFICER OF BOARD—DECLARING RESULT.] § 7. The county judge shall be the presiding officer of such canvassing board, and a majority of such canvassing board shall have the right to declare the result, and the result, when so declared, the said county judge shall cause to be entered of record in his court as aforesaid, which shall be conclusive as to the votes cast at such election in all the precincts of such city. [§ 254, ch. 46, R. S.]

ARTICLE VI.

452. OFFENSES—PENALTY.] § 1. If at any general registration of voters, or any meeting of the judges of election, held for such purpose, or for revision thereof, as provided in this act, any person shall falsely personate an elector or other person, and register, or attempt or offer to register, in the name of such elector or other person;

Or if any person shall knowingly or fraudulently register or offer, or attempt, or make application to register, in, or under the name of, any other person, or in, or under any false, assumed or fictitious name, or in, or under any name not his own;

Or shall knowingly or fraudulently register in two election precincts;

Or, having registered in one precinct, shall fraudulently attempt or offer to register in another;

Or shall fraudulently register or attempt, or offer, to register in any election precinct, not having a lawful right to register therein;

Or shall knowingly or wilfully do any unlawful act to secure registration for himself or any other person;

Or shall knowingly, wilfully or fraudulently, by false personation or otherwise, or by any unlawful means cause or procure, or attempt to cause or procure, the name of any qualified voter, in any election precinct, to be erased or stricken from any registry of the voters of such precinct made in pursuance of this act or otherwise, as in this act provided;

Or by force, threat, menace, intimidation, bribery, reward or offer, or promise thereof, or other unlawful means, prevent, hinder or delay any person, having a lawful right to register or be registered, from duly exercising such right;

Or shall knowingly, wilfully or fraudulently compel or induce, or attempt, or offer to compel or induce, by such means, or any unlawful means, any judge of election or other officer of registration in any election precinct to register or admit to registration any person not lawfully entitled to registration in such precinct;

Or to register any false, assumed or fictitious name, or any name of any person except as provided in this act;

Or shall knowingly, or wilfully or fraudulently interfere with, hinder or delay any judge of election, or other officer of registration, in the discharge of his duties, or counsel, advise or induce, or attempt to induce, any such judge or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribed for regulating the same;

Or shall aid, counsel, procure or advise any voter, person, judge of election, or other officer of registration, to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done;

Every such person, upon conviction thereof, shall be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than three months nor more than one year. [§ 255, ch. 46, R. S.]

453. OFFENSES AT ELECTION IN CITY, VILLAGE OR TOWN—PENALTY.] § 2. If, at any election hereafter held in any city, village or incorporated town, any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in, or under the name of such elector or other person;

Or shall vote, or attempt to vote, in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own;

Or shall knowingly, wilfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law;

Or shall vote, or attempt or offer to vote, in any election precinct without having a lawful right to vote therein;

Or vote more than once, or vote in more than one election precinct;

Or, having once voted, shall vote or attempt to [or] offer to vote again;

Or shall knowingly, wilfully or fraudulently do any unlawful act to secure a right or an opportunity to vote for himself or for any other person;

Or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector or any person in giving his vote;

Or prevent, or hinder, or attempt to prevent, or hinder any qualified voter from freely exercising the right of suffrage;

Or by any such means, induce or attempt to induce any such voter, or any person, to exercise any such right;

Or shall, by any such means or otherwise, compel or induce, or attempt to compel or induce, any judge of election or other officer of election, in any election precinct, to receive the vote of any person not legally qualified or entitled to vote at the said election in such precinct;

Or shall, knowing, wilfully or fraudulently interfere with, delay or hinder, in any manner, any judge of election, poll clerk or other officer of election in the discharge of his duties;

Or by any such means, or other unlawful means, knowingly, wilfully or fraudulently counsel, advise, induce or attempt to induce any judge of election, poll clerk or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or to make any false certificate, document, report, return or other false evidence in relation thereto;

Or to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein;

Or to refuse to receive the vote of any person entitled to vote therein;

Or shall aid, counsel, advise, procure or assist any voter, person or judge of election, or other officer of election, to do any act by law forbidden or in this act constituted an offense;

Or to omit to do any act by law directed to be done;

Every such person, upon conviction thereof, shall be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than three months nor more than one year. [§ 256, ch. 46, R. S.

454. POLL CLERK—FALSE LIST—PENALTY.] § 3. If any election clerk or poll clerk, or any judge of election, performing the duties of poll clerk, or other person, performing such duties, shall wilfully keep a false poll list;

Or shall knowingly insert in his poll list any false statement, or any name or statement, or any check, alteration or mark, except as in this act provided;

He shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than three months nor more than one year. [§ 257, ch. 46, R. S.

455. JUDGES WILFULLY REFUSE VOTES, ETC.] § 4. Every judge of election, who shall wilfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at at such election;

Or shall wilfully receive a vote from any person, who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law;

Or shall wilfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person;

He shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than three months nor more than one year. [§ 258, ch. 46, R. S.

456. FALSE CANVASS, ETC.—PENALTY.] § 5. Every judge of election, member of any board of canvassers, messenger, poll clerk or other officer authorized to take part in, or perform any duty in relation to any canvass or official statement of the votes cast at any election in any precinct, or in any city, village or incorporated town, who shall wilfully make any false canvass of said votes;

Or shall make, sign, publish or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false;

Or who shall wilfully deface, destroy or conceal any statement, tally or certificate entrusted to his care or custody;

Shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than five nor more than ten years. [§ 259, ch. 46, R. S.]

457. PERMITTING BALLOTS TO BE IN BOX AT OPENING, ETC.—PENALTY.] § 6. If any person other than a judge of election shall, at any such election, knowingly and wilfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes;

Or if any such judge of election shall knowingly and wilfully cause or permit any ballot or ballots to be in said box at the opening of the polls and before the voting shall have commenced;

Or shall knowingly, wilfully or fraudulently put any ballot, or other paper having the semblance thereof, into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and kept upon the registry, as hereinbefore provided, or who shall be entitled to vote under this act;

Or if any such judge of election or other officer or person shall fraudulently, during the canvass of ballots in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed;

Or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years. [§ 260, ch. 46, R. S.]

458. ELECTION OFFICERS—MISCONDUCT—FRAUD—PENALTY.] § 7. If any judge of election, poll clerk or other officer of registration, revision, election or canvass, of whom any duty is required, in this act, or by the general election laws of this State, so far as the same are consistent with the provisions of this act, shall be guilty of any willful neglect of such duty;

Or of any corrupt or fraudulent conduct or practice in the execution of the same;

He shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than three months nor more than one year. [§ 261, ch. 46, R. S.]

459. STEALING DOCUMENT—VOTE—PENALTY.] § 8. Every judge of election, poll clerk or other officer or person having the custody of any record, register of voters or copy thereof, oath, return or statement of votes, certificate, poll list, or of any paper, document or vote of any description, in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof;

Or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act;

Or who permits any other person so to do;

Shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than one year nor more than ten years. [§ 262, ch. 46, R. S.]

460. PERSON NOT AN OFFICER—CRIME—PENALTY.] § 9. Every person not an officer; such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said last section, or who advises, procures or abets the commission of the same, or any of them, shall upon conviction thereof be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than one year nor more than ten years. And such offense shall be deemed to have been committed whether such person has or had any custody or control, rightful or otherwise, over, or is charged with any duty in relation to, said records, register, ballots or other documents. [§ 263, ch. 46, R. S.]

461. FALSE SWEARING—PENALTY.] § 10. Any person who shall be convicted of wilfully and corruptly swearing or affirming in taking any oath or affirmation prescribed by, or upon any examination provided for in this act, shall be adjudged guilty of willful and corrupt perjury, and shall be punished according to the laws of this State. [§ 264, ch. 46, R. S.]

462. ADVISING PERSON TO SWEAR FALSELY, ETC.] § 11. Every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall upon conviction thereof suffer the punishment directed by law in cases of willful and corrupt perjury. [§ 265, ch. 46, R. S.]

463. CHANGING BALLOT, ETC.] § 12. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another;

Or fraudulently furnish any elector with a ballot containing more than the proper number of names;

Or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown

out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote;

Or otherwise defraud him of his vote;

Every such person shall upon conviction thereof be adjudged guilty of a felony, and shall, if a judge of election, poll clerk or other officer of election, be punished by imprisonment in the penitentiary for not less than two nor more than five years.

And if not such judge, poll clerk or other officer of election, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years. [§ 266, ch. 46, R. S.]

464. CONVICTED FELON NO RIGHT TO VOTE—PARDON.] § 13. If any person who shall have been convicted of bribery, felony or other infamous crime under the laws of any state, and who has never received the pardon for such offense from the officer entitled to grant such pardon, shall thereafter vote or offer to vote at any election in such city, village or incorporated town, he shall upon conviction thereof be adjudged guilty of a felony, and, for each and every such offense, shall be punished by imprisonment in the penitentiary for not less than two nor more than five years. [§ 267, ch. 46, R. S.]

465. DISOBEYING COMMAND OF JUDGE.] § 14. If any person shall wilfully disobey any lawful command of any judge of election or of any board of registry, given in the execution of his or their duty as such, at any election or registration, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than thirty days nor more one year; or by a fine not less than two hundred and fifty (250) nor more than one thousand (1,000) dollars or by both such fine and imprisonment. Any misdemeanor under this act, for which no penalty is specifically provided, shall be punished as provided in this section. [§ 268, ch. 46, R. S.]

466. REGISTRATION—ELECTION—BREACH OF THE PEACE.] § 15. If at any general registration of voters, or revision thereof, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or be guilty of any disorderly violence or threats of violence, whereby any such registration, revision, election or canvass shall be impeded or hindered;

Or whereby the lawful proceedings of any judge of election, or board of registration, or poll clerk, or other officer of such election or challenger, or person designated to be present at the canvass of any ballots, as hereinbefore provided, are interfered with;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than 30 days nor more than one year; or by a fine of not less than two hundred and fifty (250) dollars nor more than one thousand (1,000) dollars; or by both such fine and imprisonment. [§ 269, ch. 46, R. S.]

467. INTERFERING WITH JUDGE, ETC.] § 16. If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery,

solicitation or otherwise, interfere with any judge of election, poll clerk, challenger, or person designated as provided in this act to be present at the canvass of any ballots, in the performance of any duty required of him, or which he may by law be authorized or permitted to perform;

Or if any person, by any of the means before mentioned or otherwise unlawfully shall, on the day of registration, revision of registration, or of election, hinder or prevent any judge of election, poll clerk, challenger, or person designated as provided in this act to be present at the canvass of ballots, in his free attendance and presence at the place of registration, or revision of registration, or of election in the election precinct, in and for which he is appointed or designated to serve;

Or in his full and free access and egress to and from any such place of registration, revision of registration, or of election;

Or to and from any room where such registration, revision of registration, or election, or canvass of votes, or making of any return or certificate thereof, may be had;

Or shall molest, interfere with, remove or eject from any such place of registration or poll of election, or of canvassing ballots cast thereat, or of making of returns or certificates thereof, any such judge of election, poll clerk, challenger, or person designated as provided in this act to watch the canvass of any ballot, except as otherwise provided in this act, or shall unlawfully threaten, or attempt or offer so to do;

Every such person shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail for not less than six months nor more than one year;

Or shall be fined not less than five hundred (500) dollars nor more than two thousand (2,000) dollars, or both. [§ 270, ch. 46, R. S.

468. DESTROYING OR CONCEALING BALLOT, ETC.] § 17. If any person, upon the day of such election, or before the canvass of votes is completed, shall conceal or wilfully break or destroy any ballot box used, or intended to be used, at such election;

Or shall wilfully or fraudulently conceal, secrete or remove any such box from the custody of judges of election;

Or shall alter, deface, injure, destroy or conceal any ballot which has been deposited in any ballot box at such election, which has not been counted or canvassed;

Or poll list used at such election;

Or any report, return, certificate or other evidence in this act required, as provided for,

He shall, on conviction thereof, be adjudged guilty of a felony, and shall, for each and every such offense, be punished by imprisonment in a state penitentiary for not less than two nor more than five years. [§ 271, ch. 46, R. S.

469. WILFULLY ADMITTING ANY PERSON TO REGISTRATION, ETC.]
 § 18. If in any election precinct, at any registration of voters or revision thereof, or at any election hereafter held in such city, any judge of election or poll clerk shall knowingly or wilfully admit any person to registration, or make any entry upon any register or poll book;

Or receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all the judges of election in said election precinct are present and concur;

He shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than 30 nor more than 60 days; or by a fine of not less than one hundred (\$100) nor more than one thousand (\$1,000) dollars, or by both such fine and imprisonment. [§ 272, ch. 46, R. S.]

470. REGISTRATION, OR POLLS—ABSENCE OF JUDGE.] § 19. If any judge of election, in any election precinct, shall, without urgent necessity absent himself from the place of registration, or the polls in said precinct, upon any day of election, whereby less than a majority of all the judges in such election precinct shall be present during such hours of registration, election or canvass of ballots;

He shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than 60 days, nor more than six months; or shall be fined not less than five hundred (500) dollars nor more than one thousand (1,000) dollars, or both. [§ 273, ch. 46, R. S.]

471. ELECTIONEERING.] § 20. It shall be unlawful for any judge of election, poll clerk, challenger, or any person or persons within the polling place to electioneer or engage in any political discussion.

Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than 90 days, or by a fine of not less than one hundred (\$100) nor more than five hundred (\$500) dollars, or both. [§ 274, ch. 46, R. S.]

472. PLACE OF ELECTION OR REGISTRATION—SPIRITUOUS LIQUORS.]
 § 21. Whoever, during the hours of election in any election precinct in such city;

Or during the hours of registration, revision of registration or canvass of votes or of making returns thereof, shall bring, take, order or send into, or shall attempt to bring, take or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors whatever; or shall, at any such time and place, drink or partake of such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished according to law. [§ 275, ch. 46, R. S.]

473. DEFECTS IN NOTICING, ETC., NO DEFENSE.] § 22. Irregularities or defects in the mode of noticing, convening, holding or con-

ducting an election authorized by law shall constitute no defense to a prosecution for a violation of the provisions of this act. [§ 276, ch. 46, R. S.]

474. CRIME IN REFERENCE TO QUESTION SUBMITTED.] § 23. Every act which, by the provisions of this act or the general election laws, is made a crime when committed with reference to the election of a candidate, is equally criminal when committed with reference to the determination of the question submitted to electors, to be decided by votes cast at an election.

The word "Election," as used in this act, shall be construed to designate elections had within any city, village or incorporated town adopting this act, for the purpose of enabling electors to choose some public officer or officers under the laws of this State or the United States;

Or to pass upon any amendment, law or other public act or proposition submitted to vote by law.

The word "Householder," as used in this act, shall mean the chief or head of a family, who resides with the family as a family, and who supports and provides for such family as an independent family. [§ 277, ch. 46, R. S.]

475. MISDEMEANORS—FINE—WHEN DISCHARGED.] § 24. In case of misdemeanors committed, where a matter of fine shall be imposed instead of imprisonment, such party shall be discharged from imprisonment only on condition of payment of the fine;

And, unless paid, his imprisonment shall continue until such fine shall be canceled by an allowance of three (3) dollars per day for each day of imprisonment. [§ 278, ch. 46, R. S.]

476. FORFEITURES—HOW RECOVERED.] § 25. All forfeiture, provided for in this act, shall be recovered in the name of the board of election commissioners, and shall be paid, when collected, into the county treasury. [§ 279, ch. 46, R. S.]

477. COMMISSIONERS TO AID PROSECUTIONS AND TO KEEP THE PEACE.] § 26. It shall be the duty of such election commissioners to aid in the prosecution of all crimes and offenses against this act;

And they shall keep a docket in which shall be entered all complaints against all persons claimed to be guilty of the violations of this law;

And when, in the judgment of such election commissioners, such offense has probably been committed, it shall be their duty to cause a prosecution to be instituted in accordance with the provisions of this act, and cause the parties to be punished accordingly.

Said election commissioners, when in session, shall have authority and it shall be their duty to keep the peace, and to cause any person to be arrested for any breach of the peace or for any breach of election laws; and it shall be the duty of all officers of the law present to obey the order of such election commissioners or either of them, and an officer making an arrest by direction of any election commissioner shall be protected in making such arrest the same as if a warrant had been issued to him to make such arrest. [§ 280, ch. 46, R. S.]

ARTICLE VII.

478. COMMISSIONERS AND CHIEF CLERK—FEES AND SALARIES OF—COUNTIES DIVIDED INTO CLASSES.] § 1. Such election commissioners and the chief clerk of the board of election commissioners shall be paid by the county, and for the purpose of fixing their fees and compensation, the several counties of this State are divided into three (3) classes, as they are now classified by law, as to fees and salaries. In counties of the first class said election commissioners shall receive a salary of five hundred dollars (\$500) and said chief clerk a salary of four hundred dollars (\$400) per annum. In counties of the second class said election commissioners shall receive a salary of seven hundred dollars (\$700) and said chief clerk a salary of one thousand two hundred dollars (\$1,200) per annum. In counties of the third class, to wit: In Cook county such election commissioners shall receive a salary of two thousand five hundred dollars (\$2,500) and such chief clerk a salary of four thousand dollars (\$4,000) per annum. All expenses incurred by such board of election commissioners shall be paid by such city. Such salaries and expenditures are to be audited by the county judges, and such salaries shall be paid by the county treasurer upon the warrant of such county judge, out of any money in the county treasury not otherwise appropriated, and such expenditures shall be paid by the city treasurer upon the warrant of such county judge, out of any money in the city treasury not otherwise appropriated. It shall also be the duty of the governing authority of such counties and cities respectively to make provision for the prompt payment of such salaries and expenses, as the case may be. [As amended* by act approved May 11, 1901. In force July 1, 1901. L. 1901, p. 205. § 281, ch. 46, R. S.]

479. JUDGES AND CLERKS TO BE PAID AT THE RATE OF \$5 PER DAY.] § 2. All judges and clerks of election in counties of the second and third class under this act shall be allowed and paid at the rate of five (5) dollars per day. [As amended by act approved May 11, 1901. In force July 1, 1901. L. 1901, p. 206; § 282, ch. 46, R. S.]

480. NUMBER OF DAYS TO BE CREDITED JUDGES AND CLERKS.] § 3. Each judge of election who has performed all the duties and services required of him by this act, at the general registration and at the election following, shall be credited with four full days' services and no more, but at any election prior to which there is only an additional registration and revision, being a registration between the general registrations, he shall be credited with three full days' service and no more, in case he performs all the duties required of him under this act.

*The title of the amendatory act is "an act to amend section one (1) and two (2) of Article VII of an act entitled, 'an act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State,' approved June 19, 1885, in force July 1, 1886, and section one (1) amended by act approved June 9, 1897, in force July 1, 1897, and section two (2) as amended act by approved and in force April 1, 1897." Approved May 11, 1901, in force July 1, 1901.

At the elections held under this act, where there is no additional registration or revision of registration, each judge or clerk of election shall only be credited with one day's service each.

When any judge or clerk does not perform all the services required by this act, then such board of election commissioners will audit his time, and shall allow him pro rata compensation.

Each clerk of election, if he has performed all the services required by [of] him by this act at the general registration and at the election following, shall be credited with five days' service and no more, but at any election prior to which there was only an additional registration and revision, being a registration between the general registrations, he shall be credited with four full days' service and no more, in case he performs all the duties required of him by this act. [§ 283, ch. 46, R. S.]

481. WHEN CITY TO PAY JUDGES AND CLERKS.] § 4. At all city elections, general or special, though other than city officers may be elected at the same time with such city officers, and at all special elections in any part of such city, at which a city officer is elected, such city shall pay such judges and clerks of election for their services under this act. [§ 284, ch. 46, R. S.]

482. WHEN COUNTY TO PAY JUDGES AND CLERKS.] § 5. At all general county and State elections, which include officers elected through the whole county, though other than State and county officers are also elected, and at all exclusively judicial elections, and at all special elections for a county or State officer, or member of Congress, or member of the Legislature, such county shall pay such judges and clerks of election for their services under this act. [§ 285, ch. 46, R. S.]

483. COMMISSIONERS TO AUDIT CLAIMS.] § 6. Said board of election commissioners shall audit all the claims of judges and clerks of election, and shall draw a warrant therefor upon such city or county treasury, as the case may be. [§ 286, ch. 46, R. S.]

ARTICLE VIII.

484. WHEN ACT ADOPTED.] § 1. Whenever this act is adopted by any village or incorporated town, all its provisions shall be applicable and operative, except as hereinafter modified. [§ 287, ch. 46, R. S.]

485. EX-OFFICIO COMMISSIONERS OF CITY, ETC.] § 2. Whenever any city, village or incorporated town may adopt this act, and which city, village or incorporated town shall lie within any county in which another city shall have previously thereto adopted this act, then in such case the commissioners of election, appointed or which may be appointed for such last mentioned city, shall also be *ex officio* commissioners of election for such first mentioned city, village or incorporated town, and shall have and exercise the same powers as if specially appointed for such city, village or town. [§ 287a, ch. 46, R. S.]

486. QUADRUPE RETURNS TO JUDGES, ETC., OF VILLAGE OR TOWN—HOW MADE.] § 3. The quadruple returns of the judges and clerks of election of such village or incorporated town, mentioned in the last section, in case of a village or town election for any officer of such village or town, shall be made to the same officer as now required by law, who shall receipt therefor; and all such returns shall be canvassed by the canvassing board of such village or town, as established by law, with the same powers of investigation and examination by such board as is authorized by this act to the canvassing board of any such city. [§ 287b, ch. 46, R. S.]

487. RETURNS OF VILLAGE OR TOWN ELECTIONS.] § 4. The returns of the judges and clerks of election of such village or incorporated towns, mentioned in the second section of this article, in case of all other elections therein, shall be made to the same officers, as required by this act, of returns of elections held in a city, and such returns shall be canvassed and the result declared by the same canvassing board. [§ 287c, ch. 46, R. S.]

488. OATHS—COMMISSIONERS AND JUDGES MAY ADMINISTER.] § 5. All oaths in writing, provided for in this act, must have a jurat, or certificate or the officer taking the same, attached and signed by him, and said election commissioners and said judges of election are hereby empowered to administer all oaths and affirmations required in the administration of the affairs of their several offices. [§ 287d, ch. 46, R. S.]

FINANCE—ACTS CONCERNING MUNICIPAL BONDS AND WARRANTS. [PARAGRAPHS 489–538.]

RAILROAD AND IMPROVEMENT AID BONDS.

AN ACT to amend an act approved April 27, 1877, entitled, "An act to amend an act entitled an act relating to county and city debts, and to provide for the payment thereof by taxation, in such counties and cities, approved February 13, 1866, and to amend the title thereof." [Approved June 4, 1879; in force July 1, 1879; L. 1879, p. 229.]

489. NEW BONDS MAY BE ISSUED FOR INDEBTEDNESS IN PLACE OF OLD ONES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where any county, city, town, township, school district or other municipal corporation, has issued bonds or other evidences of indebtedness, for money, or has contracted debts, which are the binding, subsisting legal obligations of such county, city, town, township, school district, or other municipal corporation, and the same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to issue, in lieu or place thereof, to the owners or holders of the same, new bonds prepared as hereinafter directed, and for such amounts, upon such time not exceeding twenty years, pay-

able at such place, and bearing such rate of interest, not exceeding seven per centum per annum, as may be agreed upon with the owners or holders of such outstanding bonds or other evidences of indebtedness: *Provided*, that bonds issued under this act, to mature within five years from their date, may bear interest not to exceed eight per cent per annum. And it shall also be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, to cause to be thus issued, such new bonds, and sell the same to raise money to purchase or retire any or all of such outstanding bonds or other evidences of indebtedness; the proceeds of the sales of such new bonds to be expended, under the direction of the corporate authorities aforesaid, in the purchase or retiring of the outstanding bonds or other evidences of indebtedness of such county, city, town, township, school district, or other municipal corporation, and for no other purpose whatever. All bonds or other evidences of indebtedness, issued under the provisions of this act, shall show upon their face that they are issued under this act, and the purpose for which they are issued, and shall be of uniform design and style, throughout the State, to be prescribed by the State Auditor, whose imperative duty it shall be to devise and prepare such uniform style and draft adapted to the classes of bonds herein provided for, namely: The first class to consist of bonds, of which only the interest is payable annually; the second class to consist of those of which the interest and five per centum of the principal are to be paid annually, and the third class to consist of a graduated series, the first grade, made payable, principal and interest, at the end of one year from the date of issue; the second at the end of two years, and thus to the end of the series, the class to be issued being at the option of the legal voters expressed as herein provided. In any case, the new bonds, or other evidences of indebtedness, authorized to be issued by this act, shall not be for a greater sum in the aggregate, than the principal and accrued or unearned interest unpaid of such outstanding bonds or other evidences of indebtedness. And when such new bonds, or other evidences of indebtedness, shall have been issued, in order to be placed on the market and sold to obtain proceeds with which to retire outstanding bonds, or other evidences of indebtedness, it shall be the duty of the State Auditor, on the request of the corporate authorities issuing them, and at the expense of the corporation in whose behalf the issue is thus made, to negotiate the same, at not less than par value, and on the best terms which can be obtained: *Provided, always*, that any such county, city, town, township, school district or other municipal corporation issuing bonds under the provisions of this act, may, through its corporate authorities duly authorized, negotiate, sell or dispose of said bonds, or any part thereof, at not less than their par value, without the intervention of the Auditor of State: *And, provided, further*, that no new bonds, or other evidences or indebtedness, shall be issued under this act, unless the same shall be first authorized, as hereinafter provided, by a vote of a majority of the legal voters of such county, city, town, township, school district, or other municipal corporation voting at some general election, or special election held for that purpose. [§ 1, ch. 113, R. S.

490. VALUATION OF TAXABLE PROPERTY TO BE INDORSED ON BOND.]

§ 2. In all cases where any county, city, town, township, school district, or other municipal corporation shall issue any bonds or evidences of indebtedness under this act, it shall be the duty of the county clerk of such county, or other officer to whom, or to whose office, the assessment rolls for State taxation of the property within such county, city, town, township, school district, or other municipal corporation, are or shall be returnable, within five days after the total value of the property subject to taxation therein shall be returned to him, to make out and transmit to the Auditor of Public Accounts, to be filed in his office, a certificate setting forth the total value of all taxable property, of every nature and description, within such county, city, town, township, school district, or other municipal corporation, as exhibited by such assessment. And it shall be the duty of the Auditor of Public Accounts to place on the back of all new bonds, or other evidences of indebtedness issued under the provisions of this act, a certificate setting forth an aggregate statement of the amount of valuation of the taxable property of the municipal corporation issuing such new bonds, or other evidences of indebtedness; said certificate specifically distinguishing the value of real estate and personal property, and being based on the return provided for in this section, or, if there should be no such return made by the county clerk to the State Auditor, then based on an affidavit made by the officials of the corporation issuing the bonds. [§ 2, ch. 113, R. S.]

491. ELECTION—NOTICE.] § 3. It shall be lawful for the corporate authorities of any such municipal corporation, or officers authorized by law to call elections therein, on the petition of ten legal voters, resident therein, to submit to the voters thereof, at any general or special election, the question of issuing bonds under this act, by posting a notice in ten of the most public places therein, and by publishing the same in the nearest newspaper, twenty days before said election, which notice shall state the number and amount of bonds proposed to be issued; the kind or class thereof as specified in the first section of the act of 1865 as hereby amended, and as also amended by the said act of 1877; the amount of each; the rate of interest under the limitation of this amendatory act; when and where payable; for what purpose issued, and the time and place, when and where said election will be held. And upon like petition and notice it shall be lawful for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read "For issuing the bonds," or "Against issuing the bonds." If a majority of the votes cast be for issuing the bonds, the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act, or in the acts to which this is an amendment, shall be held to repeal, or in anywise affect the power of the city of Chicago to issue new bonds of said city conferred by an act of the General Assembly, approved February 13, 1865, amending the charter of said city, nor to in anywise affect any other law which authorizes municipal corporations to issue bonds, or other evidences of indebtedness, and which does not provide for the registration thereof. [§ 3, ch. 113, R. S.]

492. REGISTRATION.] § 4. Upon the surrender of any bond, or other evidence of indebtedness, under this act, the same shall be endorsed canceled, and shall from time to time, be destroyed, under the direction of the authority issuing the same. Upon the issuing of any new bond, or evidence of indebtedness, the clerk, or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district or other municipal corporation, as the case may be, shall make registration thereof, in a book to be kept in his office for that purpose, showing the date, amount, number, class, date of maturity, rate of interest and place of payment of such new bond, or other evidence of indebtedness, and the description of the bond or evidence of indebtedness, for which, or for the purchasing or retiring of which, the same was given, as nearly as practicable. On presentation of any such new bond or evidence of indebtedness, issued under this act, at the office of the Auditor of Public Accounts, for registration, the said Auditor shall cause the same to be registered in his office, in a book to be kept for that purpose; such registration shall show the date, amount, number, class, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond or other evidence of indebtedness, under what act, by what authority, for what purpose and by what county, city, town, township, school district, or other municipal corporation issued, and the name of the person, or persons, presenting the same for registration, and for such registration the Auditor shall be entitled to a fee of 25 cents, and the Auditor shall, under his seal of office, certify upon such bond the fact of such registration for which the Auditor shall be entitled to a fee of 25 cents, such fees to be paid by the person or persons desiring such registration and certificate. No bonds issued under this act shall be entitled to registration in the office of the State Auditor until a sworn certificate shall have been filed with him, showing that all the requirements of this act have been fully complied with in their issue. In the case of county bonds, such affidavits shall be made by the chairman of the county board. In case of township bonds, by the supervisor of such township. In case of city bonds, by the mayor of such city; in case of town or village bonds, by the chairman of the town or village board; and in case of school district bonds, by each of the directors of such school district. Said certificate shall set forth the date of the election at which the people authorized the issuance of the bonds, and shall state the class, date, number, amount, rate of interest and date of maturity of the bonds, the aggregate equalized value of real property, and the aggregate equalized value of personal property assessed in such locality, for the previous year, together with any other information in relation thereto which may be demanded by the Auditor of Public Accounts. [§ 4, ch. 113, R. S.

493. AUDITOR TO CERTIFY RATE REQUIRED.] § 5. When the bonds, or other evidences of indebtedness, of any county, city, town, township, school district or other municipal corporation, shall be so registered, the auditor of public accounts shall annually ascertain the amount of principal and interest due and accrued, and to accrue,

for the current year, on all such bonds and evidences of indebtedness, so registered in his office, and shall upon the basis of the certificate of the valuation of property to be transmitted to him, as aforesaid, or, in case no such certificate shall be transmitted to him or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipal corporation, for the year next preceding, estimate and determine the rate per centum, upon the valuation of such property, requisite to meet and satisfy the said interest, or interest and principal, as the case may be, together with the ordinary cost to the State, of the collection and disbursement of the same, to be estimated by the Auditor and State Treasurer, and shall make and transmit to the county clerk of such county, or of the county in which such city, town, township, school district or other municipal corporation is situated, or to the officer or authority whose duty it is, or may be, to prepare the estimates and books for the collection of State taxes in such county, city, town, township, school district or other municipal corporation, a certificate setting forth such estimated requisite per centum for such purposes, to be filed in his office; and the said per centum shall thereupon be deemed added to and a part of the per centum which is or may be levied, or provided by law, for the purposes of State revenue, and shall be so treated by such clerk, officer or authority in making such estimates and books for the collection of State taxes; and the said taxes shall be collected with the State taxes, and all laws relating to the State revenue shall apply thereto, except as herein otherwise provided: *Provided*, that it shall be lawful for the county collector at any time before settlement with the State Treasurer to pay from such taxes, any coupons that are due for interest that may be presented for payment, and to pay from any surplus, not required for interest purposes, the principal of any such bond that may be presented for payment, whether due or not, and in settlement with the State Treasurer the county collector shall be credited with such paid coupons and bonds the same as money. [§ 5, ch. 113, R. S.

494. STATE CUSTODIAN—COLLECTION—PAYMENT.] § 6. The State shall be deemed the custodian only of the tax so collected, and shall not be deemed, in any manner, liable on account of such bonds, or other evidences of indebtedness; but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds, and evidences of indebtedness, to satisfy which, the same is hereinbefore provided to be collected, as aforesaid, and such new bonds and evidences of indebtedness, issued under the authority hereof, shall be deemed secured and provided for, in virtue and faith hereof, until fully satisfied. The State shall, annually, collect and apply the said fund to the satisfaction of the interest, or interest and portion of the principal, as the case may be, of such registered bonds, or evidences of indebtedness, of any such county, city, town, township, school district, or other municipal corporation, to the extent the same is herein contemplated to be derived from such tax, in the same manner as the interest on the bonds of the State is, or may be collected, or paid, and in like

moneys as shall be receivable in payment of State taxes; and moneys so paid upon the principal of any such bonds, or evidences of indebtedness, shall be endorsed thereon, and due receipts therefor shall be taken and filed in the office of the Auditor of Public Accounts, or State Treasurer, and interest coupons, or bonds or other evidences of indebtedness, so paid, shall be returned to one of said officers, and shall be canceled and returned to the corporate authorities of the municipality which issued the same, in the manner now provided by law. [§ 6, ch. 113, R. S.]

495. HOW MONEY DISBURSED.] § 7. The State may, out of such fund, first retain or satisfy the ordinary cost to the State, of the collection and disbursement thereof; and in case of the non-presentment of any such bond, or evidence of indebtedness, or interest coupon of any such county, city, town, township, school district, or other municipal corporation, for payment, at the times and when and where the interest on the State debt is, or may be paid, then, on the beginning of the next year, the moneys by reason thereof undisbursed, together with any surplus for any cause remaining, shall be carried to the fund of such county, city, town, township, school district or other municipal corporation of the current or ensuing year, and be considered by the Auditor in making his next estimate for taxation therein for such year under this act, and shall be applied accordingly. All laws relating to the payment of interest on the State debt, or the cancellation of the evidences thereof, not inconsistent with this act, shall apply to the receipt, custody and disbursement of the taxes and funds provided by this act. [§ 7, ch. 113, R. S.]

496. WHEN REGISTERED BONDS MATURE AND ARE NOT PAID.] § 8. Upon the maturity of such registered bond, or other evidence of indebtedness, and the non-payment thereof by the county, city, town, township, school district, or other municipal corporation issuing the same, the holder thereof may cause the same to be registered in the office of the Auditor, as a matured or unsatisfied bond, or evidence of indebtedness, and thereupon, for the purpose of providing for the payment of the principal thereof, at the rate of five per centum of such principal, annually, and of the interest thereon in arrear, and for the current year to accrue, together with the cost to the State of the collection and disbursement thereof, as aforesaid, the same proceedings in all respects, shall be had as is hereinbefore provided, for the payment of the interest on such bonds and evidences of indebtedness, by the collection of an annual tax sufficient for the purposes in the section contemplated; and the same shall be collected and applied, as aforesaid, to such purpose, from year to year, until the full satisfaction thereof, when such bonds or evidences of indebtedness shall be canceled and returned, as hereinbefore provided. [§ 8, ch. 113, R. S.]

497. ENTRY OF PAYMENT.] § 9. Upon the payment of any such registered bond, or evidence of indebtedness, and presentation thereof to the Auditor, he shall cause due entry thereof to be made in his office. [§ 9, ch. 113, R. S.]

498. FEES—COLLECTOR'S BOND.] § 10. There shall be allowed to the officers collecting and paying over the taxes authorized to be collected under the provisions of this act, the same fees, or compensation, as is or may be allowed by law for collecting and paying over State taxes, and where such tax is levied, the bonds of the collectors thereof shall be increased in proportion to the estimated amount of such tax to be collected. [§ 10, ch. 113, R. S.]

499. BONDS—BY WHOM EXECUTED.] § 11. All bonds issued under this act shall be executed on behalf of the municipalities issuing the same by the following named officers, viz.: On behalf of counties under the township organization laws of this State, by the chairman of the board of supervisors and the clerk of the county court attesting the same with his signature and official seal. On behalf of counties not under township organization by the acting chairman of the board of county commissioners together with the clerk of the county court attesting the same with his signature and official seal. On behalf of cities, by the mayor and city clerk, together with the seal of the city; on behalf of towns organized under the township organization law of this State, by the supervisor or supervisors of such town (as the case may be) and the town clerk of such towns. On behalf of all other municipalities hereinbefore mentioned, by the president, chairman, or chief executive officer thereof, together with the clerk or secretary thereof: *Provided*, that nothing herein contained shall be so construed as to authorize the officers herein mentioned to issue bonds under this act except upon a majority vote of the voters as hereinbefore provided. [Added by amendment approved May 28, 1879; in force July 1, 1879; L. 1879, p. 235; § 10a, ch. 113, R. S.]

PAYMENT OF RAILROAD DEBTS.

AN ACT to fund and provide for paying the railroad debts of counties, townships, cities and towns. [In force April 16, 1869. L. 1869, p. 816.]

500. STATE TAXES ON VALUATION ABOVE 1868 REFUNDED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any county, township, incorporated city or town shall have created a debt which still remains unpaid, or shall create a debt under the provisions of any law of this State, to aid in the construction of any railway or railways that shall be completed within ten years from and after the passage of this act, whose line shall run near to, into or through said county, township, city or town, it shall be lawful for the State Treasurer, and he is hereby required, immediately upon receiving the revenue for each year, to place to the credit of such county, township, city or town so having incurred such indebtedness, in the State treasury, annually, for and during the term of ten years, all the State taxes collected and paid into the State treasury on the increased valuation of the taxable property of said county, township, city or town, as shown by the annual assessment rolls, over and above the amount of the assessment roll of the year 1868, excepting the State school tax and the two mill tax provided for by the constitution of this State for the payment of the State debt. And whenever any county, township, city or town shall have created a debt, as aforesaid, it shall also

be lawful for the collector of taxes, and he is hereby required, annually, for and during the term of ten years, to pay into the State treasury all the taxes collected for any purpose whatever, on the assessment of the railroad or railroads for whose aid the said debt was incurred, including the roadbed and superstructure, and all fixtures and appurtenances thereof, the locomotives, cars, machinery and machine shops, depots and all other property, real and personal, of said railway company, within such county, township, city or town; and immediately upon receiving the same, the State Treasurer shall place to the credit of such county, township, city or town, in the State treasury, the whole amount so received, except the State school tax and the two mill tax provided by the constitution of this State for the payment of the State debt; and it shall be the duty of said collector of taxes to furnish the State Auditor a separate and detailed account of of the amount of taxes collected from said railway or railways, at the time of his annual settlement with the State Auditor. And the State Treasurer shall give to said collector separate receipts for the respective amounts paid into the State treasury to the credit of said county; and said receipts shall be taken and received by the county court, or other legal authorities, as vouchers for the amount collected on account of the county and local assessments on said railroad property, in the annual settlement with such collector, and the several amounts of money in this section provided and ordered to be placed to the credit of such county, township, city or town, shall be applied by the State Treasurer to the payment of the bonded railroad debt of such county, township, city or town, as hereinafter provided. [§ 11, ch. 113, R. S.]

501. REGISTRATION.] § 2. And the county clerk, or other proper officer, upon the issuing of the bonds in payment of said railroad debt, shall make a registration thereof in a book to be kept for that purpose in his office, showing the date, amount, number, maturity and rate of interest of such bonds, and upon the subscription or donation to what railroad the same was given. And the said bonds, and bonds heretofore issued and still unpaid, in order to receive the benefits of this act, shall be registered by the holder thereof at the office of the Auditor of Public Accounts, who shall cause the same to be registered in a book kept for that purpose. Such registration shall show the date, amount, number, maturity and rate of interest of such bond, under what act and by what county, township, city or town issued; and the Auditor shall, under his seal of office, certify upon such bond the fact of such registration, for which registration and certificate the Auditor shall be entitled to a fee of \$1.00 from the holder of each bond. [§ 12, ch. 113, R. S.]

502. ASSESSED VALUE CERTIFIED TO AUDITOR.] § 3. In all cases, when any county, township, incorporated city or town shall issue bonds under the provisions of law, and to be entitled to the benefits of this act, it shall be the duty of the county clerk of such county, or of the officer to whom or to whose office the assessment rolls for State taxation are or shall be returnable, within five days after such returns, to make out and transmit to the State Auditor, to be filed in

his office, a certificate stating the total value of all property, real and personal, within such county, township, city or town, as exhibited by such assessment. [§ 13, ch. 113, R. S.]

503. AUDITOR TO ESTIMATE AND CERTIFY RATE REQUIRED, ETC.]

§ 4. When the bonds of any county, township, city or town shall be so registered, the State Auditor shall annually ascertain the amount of interest for the current year due and accrued and to accrue upon such bonds, and from the amount so ascertained he shall deduct the amount in the State treasury placed to the credit of such county, township, city or town, as herein provided and directed; and from the basis of the certificate of valuation of property heretofore provided to be transmitted to him, or, in case no such certificate shall be filed in his office, then upon the basis of the total assessment of such county, township, city or town, for the year next preceding, he shall estimate and determine the rate per centum on the valuation of property within such county, township, city or town, requisite to meet and satisfy the amount of interest unprovided for, together with the ordinary cost to the State of collection and disbursement of the same, to be estimated by the Auditor and Treasurer, and shall make and transmit to the county clerk of such county, or to the proper officer or authority whose duty it is or shall be to prepare the estimates and books for the collection of State taxes in such county, township, city or town, a certificate stating such estimated requisite per centum for such purpose, to be filed in his office; and the same per centum shall thereupon be deemed added to and a part of the per centum which is or may be levied or provided by law for purposes of State revenue, and shall be so treated by such clerk, officer or authority, in making such estimates and books for the collection of taxes; and the said tax shall be collected with the State revenue, and all laws relating to the State revenue shall apply thereto, except as herein otherwise provided. [§ 14, ch. 113, R. S.]

504. STATE CUSTODIAN—NOT LIABLE—COLLECTION—PAYMENT.]

§ 5. The State shall be deemed the custodian only of the several taxes so collected and credited to such county, township, city or town, and shall not be deemed in any manner liable on account of any such bonds; but the tax and fund so collected shall be deemed pledged and appropriated to the payment of the interest and principal of the registered bonds herein provided for, until fully satisfied. The State shall annually collect and apply all the said taxes and funds placed to the credit of such county, township, city or town, for and during the term of eight years, to the payment of the annual interest on such registered bonds of such county, township, city or town, in the same manner as interest on the bonds of the State is or may be collected and paid, but in like moneys as shall be receivable in payment of said taxes; and for and during the remainder of the term of years during which said registered bonds shall remain unpaid, the funds provided in section 1 of this act, accruing from taxes collected on the property of said railroad or railroads, and the surplus, if any, of the other funds in this act provided, remaining after the payment of the interest on the bonds, shall be applied to the payment of the principal of said registered bonds, on presentation at the State treasury, or

the treasurer shall purchase the same in open market at not more than par; and upon such payment or purchase of the said bonds, the amount paid upon the principal of said bonds shall be endorsed thereon, and receipts therefor shall be taken and filed in the office of the State Treasurer; and the interest coupons or bonds, when fully paid, shall be returned to the office of the State Treasurer, and shall be canceled and destroyed in the same manner as those appertaining to the State debt. And the fund derived from the taxes collected on the increased assessment over the year 1868, and the tax levied to meet the interest on said registered bonds, shall continue to be annually applied to the interest of said bonds. And the said taxes and funds required in this act to be placed to the credit of the counties, townships, cities and towns, shall be applied by the State Treasurer to the payment of the registered railroad bonds of such county, township, cities or towns, equally and without discrimination. [§ 15, ch. 113, R. S.]

505. DISBURSEMENT.] § 6. The State may, out of such funds, first retain or satisfy the ordinary cost of the State of the collection and disbursement thereof; and in case of non-presentment of any such bonds or interest coupons for payment, at the time and place when and where the interest on the State debt is or may be paid, then, on the beginning of the next year, the money by reason thereon undisbursed, together with any surplus for any cause remaining, shall be carried to the fund of such county, township, city or town, of the current or ensuing year, and be considered by the auditor in making his next estimate for taxation therein for such year under this act, and shall be applied accordingly during the first eight years of the operation of this act. All laws relating to the payment of interest on the State debt, or the cancelation of evidences thereof, not inconsistent with this act, shall apply to the receipt, custody and disbursement of the taxes and funds provided by this act. [§ 16, ch. 113, R. S.]

506. ROAD CONSTRUCTED—ELECTION—COMPLIANCE.] § 7. And it shall not be lawful to register any bonds under the provisions of this act, or to receive any of the benefits or advantages to be derived from this act, until after the railroad in aid of the construction of which the debt was incurred shall have been completed near to or in such county, township, city or town, and cars shall have run thereon; and none of the benefits, advantages or provisions of this act shall apply to any debt, unless the subscription or donation creating such debt was first submitted to an election of the legal voters of said county, township, city or town, under the provisions of the laws of this State, and a majority of the legal voters living in said county, township, city or town were in favor of such aid, subscription or donation; and any county, township, city or town shall have the right, upon making any subscription or donation to any railroad company, to prescribe the conditions upon which such bonds, subscriptions or donations shall be made, and such bonds, subscriptions or donations shall not be valid and binding until such conditions precedent shall have been complied with. And the presiding judge of the county court, or the supervisor of the town-

ship, or the chief executive officer of the city or town, that shall have issued bonds to any railway or railways, immediately upon the completion of the same near to, into or through such county, township city or town, as may have been agreed upon, and the running of the cars thereon, shall certify under oath that all the preliminary conditions in this act required to be done to authorize the registration of such bonds, and to entitle them to the benefits of this act, have been complied with, and shall transmit the same to the State Auditor, with a statement of the date, amount, number, maturity and rate of interest of such bonds, and to what company and under what law issued; and thereupon the said bonds shall be subject to registration by the State Auditor, as is hereinbefore provided. [§ 17, ch. 113, R. S.

507. REPRESENTATION IN BOARD OF DIRECTORS.] § 8. And each railway company in aid of which any bonds shall hereafter be issued by any county, township, incorporated city or town, to pay for any subscription to the capital stock of such company, or for any donation made to such company, shall give to such counties, townships, cities and towns, collectively, a representation in the board of directors of such company of one-fourth of the number of such board of directors, until after the said railway shall have been completed, and the cars shall have run thereon, and until all the conditions of the subscriptions and donations to such railway company, by such counties, townships, cities and towns, shall have been fully settled and complied with by such railway company; and thereafter the said counties, townships, cities and towns shall be represented in said boards of directors only in the manner and proportion that other stockholders are represented; and the Governor of the State is hereby authorized and empowered to appoint the directors herein provided to represent the interests of said counties, townships, cities and towns in the boards of directors of such railways as shall receive bonds to be entitled to the benefits of this act. [§ 18, ch. 113, R. S.

508. INCREASED VALUATION DEDUCTED IN ASCERTAINING STATE RATES.] § 9. And the State Auditor, from the total value of all the property in the State, after the same shall have been equalized in accordance with the provisions of "An act to amend the revenue laws, and to establish a State board of equalization of assessments," approved March 8, 1867, shall deduct the amount of the said increased valuation of the taxable property above the valuation of the year 1868, in such counties, townships, incorporated cities and towns as may be entitled to the benefits of this act, and the taxes upon which are herein directed to be credited to counties, townships, cities and towns, and upon the amount remaining he shall cause to be collected such a per cent as shall be sufficient to pay the appropriations and other demands upon the treasury due to the end of each fiscal year; and the same per cent shall also be collected on the said increased valuation above the valuation of the year 1868, and applied as herein provided. [§ 19, ch. 113, R. S.

509. ENTRY OF PAYMENT.] § 10. Upon the payment of any such registered bond or interest coupons by the county, township, city or

town issuing the same, and presentation thereof to the State Auditor, he shall cause due entry thereof to be made in his office. [§ 20, ch. 113, R. S.]

510. WHEN BONDS FULLY PAID WITHIN TEN YEARS.] § 11. And if the principal and interest of the bonds registered under the provisions of this act shall be fully paid and canceled at any time before the expiration of the full term of ten years, during which the funds provided in section 1 of this act are to be applied to the credit of such county, township, city or town, then the provisions of this act in respect thereto shall cease and determine, and no further money derived from said taxes shall be so applied. [§ 21, ch. 113, R. S.]

511. COLLECTORS' BONDS INCREASED—FEES.] § 12. The collectors' bonds in counties, townships, cities and towns where collections shall be made under the provisions of this act, shall be increased fifty per centum, and collectors in counties not under township organization shall pay into the State treasury a sufficient amount of the taxes collected in such county to meet the interest to be annually paid on such registered bonds, on or before the twentieth day of June of each year. And there shall be allowed and paid to county, township, city or town collectors, for collecting and paying over the taxes levied by virtue of this act, the following rates of commissions, to be ascertained and computed in the same manner that commissions for collecting and paying over the State taxes are ascertained and computed, and paid from the taxes so collected, to-wit: To township, city or town collectors, at the rate of two per centum on all sums collected, and to county collectors, at the rate of one per cent on all sums received by them from township, city and town collectors, which shall be in full for receiving the same and paying it into the State treasury, and for adjusting the accounts of and settling with the township, city and town collectors for their collections of said tax; and a commission of three per cent on all sums by themselves collected and paid over into the State treasury. [§ 22, ch. 113, R. S.]

512. TAKES EFFECT.] § 13. And this act shall take effect from and after its passage. [23, ch. 113, R. S.]

RETURN OF BONDS AND COUPONS AFTER PAYMENT.

AN ACT to require State and county treasurers to deliver up bonds and coupons issued in aid of railroad or other corporations, which have been paid, to any person or persons who may be authorized by any county, town or city to receive the same. [Approved March 7, 1872, in force July 1, 1872. L. 1871-2, p. 203.]

513. PAID BONDS AND COUPONS DELIVERED UP.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Treasurer of State, and all county treasurers in the State, at whose office any county, town or city bonds or coupons are made payable by law, which have been issued in aid of any railroad or other corporation or in payment of the stock of any such railroad or other corporation in this State, shall, at least once in each year, after this act shall be in force, if so requested by the proper authorities of any such county, town or city, account to and with any person designated by any such county, town or city, for any and all money that may have come to his or their hands for

the payment of any bonds or coupons, so issued as aforesaid, and shall, upon such accounting, deliver up to such person so designated by any of the counties, towns or cities aforesaid, any and all bonds or coupons that he or they may have fully paid off and discharged out of the money coming into their hands for such purpose, and to take a voucher for all such bonds or coupons so delivered. [§ 24, ch. 113, R. S.]

514. FEES—SALARY.] § 2. There shall be allowed and paid out to the county treasurers, and to the county, town and city collectors for collecting, receiving and paying out any and all taxes levied for the payment of any such bonds or coupons or interest on the same, the amount of one-half per centum, as fees for such service, and no more, for such amount so paid out: *Provided*, if any of the above officers are now or may be hereafter paid a salary for the performance of these duties, then they shall not be paid any other compensation whatsoever. [§ 25, ch. 113, R. S.]

515. REPEAL.] § 3. All laws in conflict with this act are hereby repealed. [§ 26, ch. 113, R. S.]

REFUNDING EXISTING DEBTS.

AN ACT to enable counties, cities, townships, school districts and other municipal corporations to take up and cancel outstanding bonds and other evidences of indebtedness, and fund the same. [Approved and in force March 26, 1872. L. 1871-2, p. 202.]

516. NEW BONDS FOR OLD INDEBTEDNESS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where any county, city, town, township, school district or other municipal corporation have issued bonds or other evidences of indebtedness for money on account of any subscription to the capital stock of any railroad company, or on account of, or in aid of any public buildings or other public improvement, or for any other purposes which are now binding or subsisting legal obligations against any county, city, town, township, school district or other municipal corporations, and remaining outstanding, and which are properly authorized by law, the proper authorities of any such county, city, town, township, school district or other municipal corporations may, upon the surrender of any such bonds, or other evidences of indebtedness, or any number thereof, issue in place or in lieu thereof to the holders or owners of the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest, *not exceeding 10 per cent*, as may be agreed upon with such holders or owners; and such new bonds or other evidences of indebtedness, so issued, shall show on their face that they are issued under this act: *Provided*, that the issue of such new bonds in lieu of such indebtedness shall first be authorized by a vote of a majority of the legal voters of such county, city, town, township, school district or other municipal corporation, voting either at some annual or special election of such municipal corporation: *And provided further*, that such bonds or other evidences of indebtedness shall not be issued so as to increase the aggregate indebtedness of such municipal corporation beyond 5 per centum on the value of the taxable property

therein—to be ascertained by the last assessment for State and county taxes prior to the issuing of such bonds or other evidences of indebtedness. Nothing contained in this act, or in the act to which this is an amendment, shall be held to repeal or in anywise affect the power of the city of Chicago to issue new bonds to an amount sufficient to retire and satisfy maturing bonds of said city, conferred by section 38 of an act of the General Assembly, approved February 13, 1863, amending the charter of said city. [As amended by act approved April 14, 1875, in force July 1, 1875. L. 1875, p. 100. § 27, ch. 113, R. S.]

517. EMERGENCY.] § 2. Whereas some counties, cities, townships and other municipal corporations in this State, have outstanding bonds and other evidences of indebtedness that will soon fall due, and are without any remedy for renewing or funding the same, therefore this act shall be in force from and after its passage. [§ 28, ch. 113, R. S.]

REGISTERED RAILROAD BONDS.

AN ACT to provide for the payment of the registered indebtedness of counties, townships, cities and towns. [Approved March 27, 1874. In force July 1, 1874.]

518. SURPLUS FUNDS USED TO PURCHASE BONDS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* On the first day of July of each year, the Treasurer and Auditor shall estimate the amount of surplus funds which will remain in the State treasury to the credit of each of the local bond funds, after deducting the amount necessary for the payment of all interest on the registered railroad bonds which will fall due before the receipt of taxes by the next levy; and on the third Monday of September of each year such surplus shall be applied to the purchase of such registered bonds, at not more than par, on their presentation at the State treasury, in the manner hereinafter provided. [§ 29, ch. 113, R. S.]

519. PUBLICATION—HOW SURPLUS APPLIED.] § 2. The Treasurer shall, during the month of July of each year, publish such detailed estimate, showing the surplus, if any, to the credit of the bond fund of each county, township, city or town having a registered railroad debt, with the announcement that on the third Monday of September following, such surplus will be used at the State treasury in the purchase from the lowest bidder, at not more than par, of the indebtedness of counties, townships, cities and towns registered in pursuance of law. The surplus to the credit of each county, township, city or town shall only be applied to the purchase of the registered bonds of such county, township, city or town. The publication required to be made by the Treasurer shall be made for five days during the month of July in some daily paper of general circulation in the cities of Springfield and Chicago. [§ 30, ch. 113, R. S.]

520. BIDS RECEIVED—BONDS CANCELED AND RETURNED.] § 3. Bids shall be received until noon of such third Monday of September, when the treasurer and auditor shall open them and make awards to the lowest bidders and upon any such payment or purchase of

such bonds, the amount paid upon the principal thereof shall be endorsed on said bonds, and receipts therefor shall be taken and filed in the office of the State Treasurer; and the bonds, when fully paid, shall be canceled by the State Treasurer and returned to the proper officers of the locality issuing the same. [§ 31, ch. 113, R. S.]

521. WHEN AND HOW SURPLUS FUNDS INVESTED AND AID CEASE.] § 4. If there shall be no proposals to sell the bonds of any county, township, city or town, at not more than par, sufficient to absorb such surplus funds, it shall be the duty of the treasurer to invest such surplus not expended in the payment or purchase of such bonds, in United States bonds at their market value; and thereafter the interest on such United States bonds shall be added to the fund to which such bonds belong, and on the first of July of each year the value of such United States bonds belonging to the several funds shall be considered in the estimate made by the Auditor and Treasurer as aforesaid. The United States bonds shall be sold and the proceeds applied to the purchase of registered bonds offered, at not more than par, on the third Monday in September. And whenever the invested surplus of any local bond fund shall be equal to the amount outstanding of the registered indebtedness of the county, township, city or town to which such funds belong, such county, township, city or town shall cease to receive the benefits of the act of April 16, 1869; and the Auditor shall only levy for interest, in case the interest earned by such invested surplus shall not be sufficient to pay the interest on the registered bonds outstanding. [§ 32, ch. 113, R. S.]

LIMITATION OF LIABILITY.

AN ACT to amend an act entitled "An act to limit and determine the time for which counties, cities, townships, towns and precincts in this State shall be liable and holden to issue aid for the building of any railroad in pursuance of any vote taken in conformity to the laws of this State," approved May 29, 1877, in force July 1, 1877. [Approved June 22, 1883. In force July 1, 1883. L. 1883, p. 122.]

522. TO LIMIT LIABILITY TO ISSUE RAILROAD AID BONDS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "An act to amend an act entitled, 'An act to limit and determine the time for which counties, cities, townships, towns and precincts in this State shall be liable and holden to issue aid for the building of any railroad in pursuance of any vote taken in conformity to the laws of this State,'" approved May 29, 1877, and in force July 1, 1877, be amended so as to read as follows:

That the liability of all counties, cities, townships, towns or precincts which have voted aid or donations to or subscriptions to the capital stock of any railroad company in conformity to the laws of this State, for the building, or in aid of the building of any railroad to, into, through or near such county, city, township, town or precinct, to issue such voted aid, shall cease and determine upon and after the first day of September, A. D. 1883; and no bonds shall be issued or stock subscribed to any such railroad company after that date upon account of, or upon the authority of such vote: *Provided,*

this act shall not apply in any case where the express conditions of the vote for such aid shall extend the time for the building of such railroad beyond the said date: *And it is further provided*, that this act shall not apply in any case where any railroad shall have been built; or shall, before said date, be built in accordance with the conditions of the vote for aid to such railroad: *And it is further provided*, that this act shall not apply to any case where such aid shall have been deposited, or shall, before said date, be deposited with any trustee or trustees, upon written or printed conditions, to be delivered to said railroad company at some future time: *Provided, further*, that this act shall not be construed so as to require any county, city, township, town or precinct to issue, pay or deliver any such aid or bonds where the same may have been voted and subscribed upon any condition or conditions which shall not be complied with within the time expressed in the notice of election, proceedings or vote authorizing such aid to be paid or given: *Provided, further*, this act shall not be construed to revive the right of any railroad company to have any subscription for stock made, or bonds issued, where such subscription has not been actually and formally made and entered on the subscription books of the company by the proper municipal officer before the passage of this act, but shall revive only such aid as may have been voted by way of donation. [§ 33, ch. 113, R. S.]

523. REPEAL.] § 2. Each and every act contrary to the provisions of sections 1 of this act is hereby repealed. [§ 33, ch. 113, R. S.]

SINKING FUND FOR LOCAL INDEBTEDNESS.

AN ACT to provide a sinking fund for local indebtedness. [Approved May 28, 1881; in force July 1, 1881; L. 1881, p. 112.]

524. SINKING FUND—HOW CREATED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any county, township, city, town or school district shall owe any bonded debt not due, which is registered in the office of the Auditor of this State, the board of supervisors, or board of county commissioners, town auditors, city council, town trustees, or school directors of such county, township, city, town or school district, as the case may be, may, by resolution spread upon their records, and certified to the Auditor, request said Auditor to create a sinking fund to meet any such debt, or any installment thereof, by the time the same shall become due and payable. Said resolution shall specify the principal amount to be so provided for, the time when the same shall become due, and the amount they desire raised annually to meet the same. [§ 34, ch. 113, R. S.]

525. AUDITOR TO FIX AND CERTIFY RATE.] § 2. Upon the receipt of such resolution the Auditor shall file in his office the same, and thereafter it shall be his duty, in certifying the amount of taxes to be raised within said district, to fix and certify a rate, to be denominated "Sinking Fund Tax," sufficient to produce the amount annually required in said resolution, and the same shall be levied, extended and collected and paid into the State treasury the same as other State taxes. [§ 35, ch. 113, R. S.]

526. FUND—HOW INVESTED.] § 3. The State Treasurer shall receive said taxes so collected and shall invest the same in United States government bonds, or in the bonds of the county, township, city, village or school district to which said fund belongs, and for which it is created, at the lowest price for which such bonds can be purchased, not, however, to exceed the par value and accrued interest, and such county commissioners, supervisors, town auditors, city council, town or village trustees, or school directors, shall have the right to determine the kind of bonds they will authorize to be purchased, and to fix the maximum price that may be paid for the same, and in case of the purchase of government bonds, then the Treasurer shall receive the interest as it accrues on said bonds and reinvest it in the same kind of securities, and in case of the purchase of the bonds for which the sinking fund is raised, then such purchased bond shall be returned to the county, township, city, village or school district and be canceled or destroyed by the proper authorities. [§ 36, ch. 113, R. S.

REFUNDING OF SURPLUS FUNDS.

AN ACT making provision for the refunding of surplus funds that are now or hereafter may be in State treasury to the credit of the bond funds of counties, townships, cities, towns, school districts and other municipal corporations having bonds registered in the office of the Auditor of Public Accounts, when such bonds have been paid and canceled. [Approved and in force June 14, 1893. L. 1893, p. 121.]

527. PAYMENT OF SURPLUS FUND.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever all the bonds of any county, township, city, town, school district or other municipal corporation that may have been registered, in pursuance of law, in the office of the Auditor of Public Accounts, have been paid and canceled upon the records of said Auditor, and there remains in State treasury after said payment, any balance to the credit of the bond fund of such county, township, city, town, school district or other municipal corporation, it shall be the duty of the Auditor of Public Accounts, on receipt of certified copy of resolution as provided for in section two (2) of this act, to draw his warrant upon the State Treasurer for the amount of said balance, who is hereby authorized to pay same out of the proper fund. [§ 37, ch. 113, R. S.]

528. CERTIFIED COPY OF RESOLUTION—BEFORE WARRANT DRAWN.] § 2. Before any warrant can be drawn for balance in State treasury to the credit of the bond fund of any county, township, city, town, school district or other municipal corporation it will be necessary for the corporate authorities of such county, township, city, town, school district or other municipal corporation to pass a resolution requesting the Auditor of Public Accounts to issue his warrant upon State Treasurer for the amount of said balance, payable to the order of the proper custodian of funds of said county, township, city, town, school district or other municipal corporation, who shall be named in said resolution, and to have a certified copy of same furnished said Auditor. [§ 38, ch. 113, R. S.]

529. EMERGENCY.] § 3. Whereas, large sums of money are now idle in the State treasury which ought to be paid back to the municipalities to whose credit the same stand, and there is at present no

provision of law for such payment, therefore an emergency exists, and this act shall take effect and be in force from and after its passage. [§ 39, ch. 113, R. S.]

REFUNDING SURPLUS FUNDS.

AN ACT making provision for the refunding of surplus funds that are now, or hereafter may be, in the State treasury to the credit of the bond funds of counties, townships, cities, towns, school districts and other municipal corporations having bonds registered in the office of the Auditor of Public Accounts when such bonds have been paid and canceled, or when bonds purporting to have been issued by any county, township, city, town, school district or other municipal corporation, and registered in the office of the Auditor aforesaid shall be held void, or the law under which such bonds purport to have been issued shall be held void by the Supreme Court of this State or the Supreme Court of the United States. [Approved and in force June 10, 1885. L. 1885, p. 223.]

530. REGISTERED BONDS—PAYMENT OF SURPLUS FUNDS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever all the bonds of any county, township, city, town, school district or other municipal corporation that may have been registered in pursuance of law in the office of the Auditor of Public Accounts, have been paid and canceled upon the records of said Auditor and there remains in the State treasury after said payment, any balance to the credit of the bond fund of such county, township, city, town, school district or other municipal corporation, it shall be the duty of the Auditor of Public Accounts, on receipt of copy of resolution as provided for in section 3 of this act, to draw his warrant upon the State Treasurer for the amount of said balance, who is hereby authorized to pay the same out of the proper fund. [§ 40, ch. 113, R. S.]

531. WHEN BONDS HELD VOID—COPY OF RESOLUTION BEFORE WARRANT DRAWN.] § 2. Whenever the Supreme Court of this State or the Supreme Court of the United States shall hold any bonds void purporting to be issued by any county, township, city, town, school district or other municipal corporation, registered in pursuance of law in the office of the Auditor of Public Accounts, or whenever the act under which such bonds purport to have been issued shall be held void by the Supreme Court of this State or the Supreme Court of the United States, and there remains in the State treasury a balance of funds to the credit of the bond fund of such county, township, city, town, school district, or other municipal corporation purporting to have issued said bonds and there are no other valid bonds issued by such county, township, city, town, school district or other municipal corporation registered in the office of the Auditor of Public Accounts in pursuance of law to which said balance of funds may be applied, it shall be the duty of the Auditor, on receipt of a certified copy of resolution provided for in section 3 of this act, to draw his warrant upon the State Treasurer for the amount of said balance, who is hereby authorized to pay the same out of the proper fund. [§ 41, ch. 113, R. S.]

532. CITY, ETC., TO PASS RESOLUTION BEFORE WARRANT DRAWN.] § 3. Before any warrant shall be drawn on the State Treasurer as provided in sections one and two of this act for any balance to the credit of any bond fund of any county, township, city, town, school district, or other municipal corporation, to which such balance is due, such county, township, city, town, school district, or other municipal

corporation, shall by its proper corporate authorities pass a resolution requesting the Auditor of Public Accounts to issue his warrant upon the State Treasurer for the amount of such balance, payable to the proper custodian of the funds of such county, township, city, town, school district, or other municipal corporation, which said resolution shall contain the name of such proper custodian, and a certified copy of the same shall be furnished said Auditor: *Provided*, that in towns under township organization the board of town auditors is hereby authorized to pass the resolution herein provided for, and the Auditor of Public Accounts, upon a receipt of a certified copy of such resolution, may draw his warrant on the State Treasurer for such balance in favor of the proper custodian of such fund. [§ 42, ch. 113, R. S.]

533. REFUSAL OF AUDITOR TO DRAW WARRANT—MANDAMUS.] § 4. In all cases where the Auditor of Public Accounts shall refuse to draw his warrant on the State Treasurer, as provided in sections one and two of this act, the county, township, city, town, school district, or other municipal corporation having funds to the credit of its bond fund in the State treasury, may, after serving said Auditor with a certified copy of resolution provided for in section three of this act, file its petition in any court of competent jurisdiction for mandamus to compel said auditor to draw his warrant on the State Treasurer for such balance, and such proceedings may thereupon be had and taken on such petition as is now provided, or may hereafter be provided, to be had and taken in proceedings on petitions for mandamus under the laws of this State. [§ 43, ch. 113, R. S.]

534. EMERGENCY.] § 5. WHEREAS, large sums of money are now idle in the State treasury, which ought to be paid back to the municipalities to whose credit the same stands, and there is at present no provision of law for such payment, therefore an emergency exists, and this act shall take effect and be in force from and after its passage. [§ 44, ch. 113, R. S.]

WARRANTS.

AN ACT to provide for the manner of issuing warrants upon the treasurer of any county, township, city, school district or other municipal corporation and jurors' certificates. [Approved May 31, 1879. In force July 1, 1879. Laws 1879, p. 73.]

535. WHEN WARRANTS MAY BE DRAWN.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That warrants payable on demand, shall hereafter be drawn and issued upon the treasurer of this State or of any county, township, city, school district or other municipal corporation, or against any fund in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants. [§ 1, ch. 146a, R. S.]

536. ISSUED IN ANTICIPATION OF TAXES—IN PAYMENT OF.] § 2. That whenever there is not sufficient money in the treasury of any county, city, town, village, school district or other municipal corporation to meet and defray the ordinary and necessary expenses there-

of, it shall be lawful for the proper authorities thereof to provide a fund to meet said expenses by issuing and disposing of warrants drawn against and in anticipation of any taxes already levied by said authorities for the payment of the ordinary and necessary expenses of such county, city, town, village, school district or other municipal corporation, to the extent of seventy-five per centum of the total amount of any such tax levied:

Provided, That warrants drawn and issued under the provisions of this section shall show upon their face that they are payable solely from said taxes when collected and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes against which said warrants are drawn, shall be set apart and held for their payment. [As amended by act approved May 11, 1901. In force July 1, 1901. L. 1901, p. 321; § 2, ch. 146a, R. S.]

537. WHEN WARRANTS TO BEAR INTEREST—JURORS' CERTIFICATES.] § 3. Every warrant issued under this act shall, unless paid within 30 days after its issuance, bear interest, payable only out of the taxes against which it shall be drawn, at the rate of five per centum per annum from the date of its issuance until paid, or until notice shall be given by publication in a newspaper or otherwise, that the money for its payment is available, and that it will be paid on presentation unless a lower rate of interest shall be specified therein, in which case the interest shall be computed and paid at such lower rate. All jurors' certificates shall hereafter be issued in conformity with the provisions of this act. [As amended by act approved May 11, 1901; in force July 1, 1901. L. 1901, p. 321; § 3, ch. 146a, R. S.]

538. REPEAL.] § 2. An act entitled, "An act to provide for the payment of interest on warrants of municipal corporations," approved June 15, 1895; in force July 1, 1895, is hereby repealed. [This act approved May 11, 1901. In force July 1, 1901. L. 1901, p. 321; § 4, ch. 146a, R. S.]

TAXATION—ACTS CONCERNING THE LEVY AND COLLECTION OF MUNICIPAL TAXES. [PARAGRAPHS 539–575.]

MUNICIPAL TAXES.

AN ACT to amend an "Act in regard to the assessment and collection of municipal taxes," approved May 23, 1877. [Approved June 11, 1897; in force July 1, 1897; L. 1897, p. 82.]

539. HOW MAY BE ASSESSED AND COLLECTED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That "An act in regard to the assessment and collection of municipal taxes," passed May 23, 1877, be and the same is hereby amended so that hereafter it shall read as follows:

All cities, villages and incorporated towns in this State, whether organized under the general law or special charters, shall assess and collect their taxes in the manner, and have power to assess and collect them at the rate provided for in article (8) of the act entitled,

"An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue law of this State; and all acts, or parts of acts, inconsistent with the provisions of this act are hereby repealed. [§ 283, ch. 24, R. S.]

RATE OF TAXATION.

AN ACT in relation to the rate of taxation in cities, villages and incorporated towns. [Approved and in force May 30, 1881; L. 1881, p. 59.]

540. RATE OF TAXATION.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all cities, villages and incorporated towns in this State not now having, by their respective charters, the power to levy and collect as high a rate of taxation as is herein authorized and provided for, shall hereafter have power to assess, levy and collect annually upon the taxable property within their respective limits, for all corporate purposes, in addition to all taxes which any such city, town or village may now or hereafter be authorized by law to levy and collect to support and maintain schools, erect school buildings, and for all other school purposes, and to pay interest on its registered bonded indebtedness, such an amount as their respective corporate authorities may prescribe, not exceeding in any year the rate of one per cent of the assessed valuation of such taxable property as equalized by the State Board of Equalization for the preceding year. And the said rate authorized by this act shall be in lieu of all rates and items of taxation now provided and authorized in such charters, for all purposes other than for schools, the erection of school buildings, and all other school purposes, and for paying interest on the registered bonded indebtedness of such city, town or village. [§ 284, ch. 24, R. S.]

541. LEGALIZATION—LEVY.] § 2. Every tax levy made for lawful corporate purpose by any city, village or incorporated town within this State in the year 1880, up to the rate of taxation above authorized, is hereby ratified, authorized, legalized and confirmed to the same effect in all respects as though such levy had been made subsequent to the going into effect of this act. [§ 285, ch. 24, R. S.]

542. EMERGENCY.] § 3. Whereas, an emergency exists, by reason of certain cities in this State being now without necessary power to levy taxes, therefore, this act shall take effect and be in force from and after its passage. [§ 286, ch. 24, R. S.]

CERTIFICATE TO COUNTY CLERK.

543. CERTIFICATE OF RATES.] § 122. The proper authorities of towns, townships, districts and incorporated cities, towns and villages collecting taxes under the provisions of this act, shall annually, on or before the second Tuesday in August, certify to the county clerk the several amounts which they severally require to be raised by taxation, anything in their respective charters, or in acts heretofore passed by the General Assembly of this State, to the contrary notwithstanding. [As amended by act approved May 3, 1873; L. 1873, p. 45; § 122, ch. 120, R. S.]

TAXATION TO BE UNIFORM.

AN ACT to restore uniformity in the taxation of real and personal property, for all purposes, in the several counties and cities of this State. [Approved Jan. 4, 1872, in force July 1, 1872. L. 1872, p. 753.]

544. UNIFORMITY RESTORED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the real and personal property within all incorporated towns and cities in every county in this State shall be taxable for all purposes, any local or special law in regard to exemption of any particular town or city to the contrary notwithstanding; and all provisions of law in conflict with this act are hereby repealed; but nothing herein shall be construed as authorizing the taxation of property allowed to be exempt by any general law now in force or that may hereafter be passed. And all laws requiring any city to support and provide for its paupers, to assume liabilities, or perform duties required of counties by the general laws of this State, are hereby repealed; and the general laws of this State upon such subjects, in relation to counties and cities, shall be applicable to all counties and cities in the State. [§ 363, ch. 120, R. S.]

MUNICIPAL PROPERTY EXEMPT FROM TAXATION.

AN ACT for the assessment of property and for the levy and collection of taxes. [Approved March 30, 1872, in force July 1, 1872. L. 1872, p. 1.]

545. § 2. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say—

* * * * *

Sixth—All property belonging to any county, town, village or city, used exclusively for the maintenance of the poor. All swamp or overflowed lands belonging to any county, so long as the same remain unsold by such county. All public buildings belonging to any county, township, city or incorporated town, with the ground on which such buildings are erected, not exceeding in any case ten acres.

Seventh—All property of institutions of purely public charity, when actually and exclusively used for such charitable purposes, not leased or otherwise used with a view to profit; and all free public libraries.

Eighth—All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safe keeping thereof, and the lot of reasonable size on which the building is located, when belonging to any city, village or town.

Ninth—All market houses, public squares or other public grounds used exclusively for public purposes. All works, machinery and fixtures belonging exclusively to any town, village or city, and used exclusively for conveying water to such town, village or city. [§ 2, ch. 120, R. S.]

SWORN STATEMENTS BY COLLECTORS.

546. THIRTY DAY SETTLEMENTS WITH CITIES, ETC.] § 164. Town and district collectors shall, every 30 days, when required so to do by

the proper authorities of incorporated towns, cities and villages, road and school districts, for which any tax is collected, render to said authorities a statement of the amount of each kind of tax collected for the same, and at the same time pay over to such authorities the amount so shown to be collected. [As amended by act approved May 3, 1873; L. 1873, p. 45; § 164, ch. 120, R. S.]

547. THIRTY DAY SETTLEMENTS WITH COUNTY COLLECTOR.] § 165. Such town and district collectors shall, every 30 days, render a similar account of the taxes payable to the State treasury, and of the county taxes, to the county collector, and at the same time pay over the amount of such taxes to said county collector. [§ 165, ch. 120, R. S.]

548. LOCAL TAXES TO BE PAID OVER, ETC.] § 166. Said town and district collectors shall pay over the town, road, school and other local taxes, as may be directed in the warrant attached to the collector's book. [§ 166, ch. 120, R. S.]

549. FINAL SETTLEMENT FOR LOCAL TAXES BEFORE RETURN.] § 167. Each town and district collector shall make final settlement for the township, district, city, village and town taxes, charged in the tax books, at or before the time fixed in this act for paying over and making final settlement for State and county taxes collected by them. In such settlements, said collectors shall be entitled to credit for the amount of their commissions on the amount collected, and for the amount uncollected on the tax books, as may be determined by the settlement with the county collector. [§ 167, ch. 120, R. S.]

550. DUPLICATE RECEIPTS.] § 168. The officer to whom any such moneys may be paid, under the preceding sections, shall deliver to the collector duplicate receipts therefor. [§ 168, ch. 120, R. S.]

PAYMENT BY COLLECTORS.

551. TO PAY CITIES, ETC., EVERY TEN DAYS.] § 244. The county collector shall report and pay over the amount of tax and special assessments, due to towns, districts, cities, villages, corporations and persons, collected by him on delinquent property, at least once in every ten days, when demanded by the proper authorities or persons. [§ 244, ch. 120, R. S.]

552. FAILURE TO MAKE REPORT—SUIT.] § 245. Any county collector failing to make the reports and payments hereinbefore required, for five days after the time specified for that purpose, or after demand made as aforesaid, the auditor or such other authorities or persons, may bring suit upon the collector's bond. [§ 245, ch. 120, R. S.]

553. FAILURE TO ACCOUNT AND PAY OVER—SUIT.] § 246. If any county collector fails to account and pay over as required in the preceding sections, his office may be declared vacant by the county board, or by any court in which suit is brought on his official bond. [§ 246, ch. 120, R. S.]

554. WHEN BOND SUED BY CITY, TOWN, ETC.] § 262 Cities, towns, villages or corporate authorities, or persons aggrieved, may prosecute suit against any collector or other officer collecting or re-

ceiving funds for their use, by suit upon the bond, in the name of the people of the State of Illinois, for their use, in any court of competent jurisdiction, whether the bond has been put in suit at the instance of the auditor or not; and in case of judgment thereon the Auditor may, if he shall so elect, have a writ of inquiry of damages for any amount that may be due to the State treasury from such officer. Cities, towns, villages and other corporate authorities or persons, shall have the same rights in any suits or proceedings in their behalf as is provided in case of suits by or in behalf of the State. [As amended by act approved March 24, 1874; L. 1873, p. 57; § 262, ch. 120, R. S.]

WHEN RECORDS ARE DESTROYED.

555. NEW ASSESSMENT.] § 269. When assessment rolls or collector's books, in whole or in part, of any county, town, city, incorporated village or district, shall be lost or destroyed by any means whatever, a new assessment, or new books, as the case may require, shall be made under the direction of the county board. Said board shall, in such cases, fix reasonable times and dates for performing the work of assessment, equalization, levy, extension and collection of taxes, and paying over the same, or making new books, as the circumstances of the case may require. All the provisions of this act shall apply to the dates fixed by the county board, in the same manner that they apply to the dates for similar purposes, as fixed by this act. The county board is hereby fully empowered to select and appoint persons, where it may find the same necessary, to carry into effect the provisions of this section. [§ 269, ch. 120, R. S.]

REBATE AND REDUCTION OF TAXES. ETC.

AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cities, or board of trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements. [Approved and in force Jan. 18, 1873; L. 1871-2, p. 270.]

556. REBATE WHEN PROPERTY DESTROYED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever, in any incorporated city or town in this State, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not, then the city clerk or town clerk, and the tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire. [§ 277, ch. 24, R. S.]

557. REDUCE OR RELEASE TAX OR ASSESSMENT.] § 2. That whenever, in any incorporated city or town in this State, any large portion

of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town. [§ 278, ch. 24, R. S.]

558. EMERGENCY.] § 3. Whereas, a large amount of property listed for taxation in the city of Chicago, and in other cities and towns of this State, has been destroyed by fire before the taxes thereon have been paid, which taxes it would be unjust to collect, it is declared that an emergency exists that this law go into force immediately, and therefore it is enacted that this law shall be in force from and after its passage. [§ 279, ch. 24, R. S.]

REFUNDING ILLEGAL TAXES.

AN ACT to refund illegal taxes. [Approved June 27, 1885; in force July 1, 1885; L. 1885, p. 61.]

559. CITY MAY REFUND ILLEGAL TAXES—LIMITATION.] § 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That, whenever, in any of the cities of this State, any taxes for city purposes have been collected and paid into the city treasury without authority of law, and the city council of such cities have caused certificates to be issued to the persons or corporations who have paid such illegal taxes, certifying that such taxes were illegally assessed and collected, the city councils of such cities are hereby authorized to make an appropriation as soon as possible after this act shall take effect for the purpose of refunding such illegal taxes, with 6 per cent interest per annum from the date of such certificates, and warrants shall be drawn for the payment of such sums and interest, out of the fund so appropriated, to the persons or corporations who obtained such certificates, or their assignees or legal representatives, in the usual manner prescribed by the charter of said cities, or by the general law: *Provided*, such certificates are presented to the comptroller of such cities for exchange for warrants within two years after this act shall go into effect. And the treasurers of any such cities shall pay said warrants out of said appropriations. [§ 373, ch. 24, R. S.]

SURPLUS FUND OR TAX.

AN ACT to prohibit any city, town or village in this State from receiving from the county treasury a greater proportion of the surplus fund or tax, than shall be received by any other city, town or village within the same county. [Approved May 4, 1877, and in force July 1, 1877; L. 1877, p. 65.]

560. PROPORTION OF TAX.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no city, town or village within any county in this State, shall be entitled to or shall receive from the county treasury of such county any greater proportion of surplus of all taxes which may be collected for county purposes, than any other city, town or village within the county. [§ 287, ch. 24, R. S.]

561. DRAWBACK—AMOUNT CITY, ETC., MAY RECEIVE.] § 2. Nor shall any such city, town or village be entitled to, or receive from the county treasury any greater drawback of its proportion of the taxes paid into the county treasury, by reason of any appropriation by the county board, out of the county treasury for the making and repairing of roads and highways, the building and repairing of bridges in such county, without any such city, town or village within such county, than is now allowed by law to all other cities, towns and villages within the same county. Any acts, or parts of acts, conflicting with this act, are hereby repealed. [§ 288, ch. 24, R. S.]

SEWERAGE, WATER AND LIGHT TAXES.

AN ACT in relation to the levy and collection of taxes for sewerage and water works in cities of this State that may have established a system of sewerage and water works for such city, and to repeal an act therein named, and to authorise the cities, villages and incorporated towns of this State to levy and collect taxes to pay for water and light. [Approved June 21, 1888, in force July 1, 1888. L. 1888, p. 68.]

562. SEWERAGE FUND TAX.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the legislative authority of any city which now has, or may hereafter have, established a system of sewerage for such city, shall have power annually to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed 1 mill on the dollar for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "the sewerage fund tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose: *Provided, further,* that a two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes not to exceed 3 mills on each dollar of the taxable property of such city: *And, provided,* such "sewerage fund tax" shall not be included, prior to the year 1891, in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872. [As amended by act approved and in force March 22, 1889. L. 1889, p. 86; § 280, ch. 24, R. S.]

563. SEWERAGE FUND AND LIGHT TAX.] § 2. The legislative authority of any city which now has, or which may hereafter have, established or hired water works for the supply of water to the in-

habitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, whether organized under a special charter or the general law, not to exceed 1 mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water works, or to the creation of a sinking fund to be applied to the establishment of water works, which tax shall be known as the "water fund tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided*, that the board of public works of such city, if any, or the head of the water department of such city shall first certify to such legislative authority the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor: *Provided, further*, that two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed 3 mills on each dollar of the taxable property of such city: *And, provided further*, that the legislative authority of each of the cities, villages and incorporated towns in this State, with the concurrence of two-thirds of the members thereof, shall be authorized to levy, and collect annually, upon the taxable property within its limits, in addition to all other taxes now authorized by law, a tax of not exceeding 3 mills on the dollar of such taxable property, to be used exclusively for the purpose of lighting streets, and a further tax of not exceeding 2 mills on the dollar of such taxable property, to be used exclusively for the purpose of supplying water to such city, village or incorporated town: *Provided, also*, that nothing in this act shall be so construed as to increase the amount of aggregate taxes that may be levied in any one year by any city or village as provided in section one (1), of Article VIII of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872. [§ 281, ch. 24, R. S.]

564. REPEAL.] § 3. An act entitled, "An act in relation to the levy and collection of taxes for sewerage and water works in the cities of this State that may have established a system of sewerage and water works for such city," approved and in force April 22, 1871, is hereby repealed. [§ 282, ch. 24, R. S.]

LEEVE TAXES.

AN ACT to enable cities, villages and towns threatened with overflows or inundations to levy taxes by vote of the electors thereof in excess of two per cent to strengthen, build, raise or repair the levees around same and to issue anticipation warrants on such taxes. [Approved June 11, 1897. In force July 1, 1897. L. 1897, p. 136.]

565. WHEN TAX MAY BE LEVIED TO STRENGTHEN OR REPAIR THE LEVEES AROUND SUCH CITY, VILLAGE OR TOWN—RATE OF—ORDINANCE.]
 § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when a vote has been taken, or may hereafter be taken, at a city, village or town election, resulting in a majority of the legal votes cast at such election for a tax to build, raise, strengthen or repair the levees around such city, village or town, such tax not exceeding the rate of one per cent per annum, to be levied annually for a period of not exceeding seven years on the taxable property of such cities, villages and towns now protected by

levees or embankments, or that may be deemed necessary to protect by levees or embankments in this State, it shall be lawful for the proper city, village or town authorities of such cities, villages and towns to make an appropriation by an ordinance of the taxes so authorized and for such city, village or town authorities to pass an ordinance levying such taxes for the whole period so authorized by such vote and to be annually extended; and to draw anticipation warrants thereon to the amount that such tax levy would produce based on the assessment of the preceding year, of all the taxable property of such city, village or town, such warrants to draw interest at not to exceed the rate authorized by such vote authorizing same, not exceeding seven per cent per annum: *Provided*, said warrants are not sold below par. [§ 618, ch. 24, R. S.]

566. WHEN CLERK TO EXTEND TAX—TO BE DESIGNATED “LEVEE TAX.”] § 2. It shall be the duty of the county clerk of the county in which such city, village or town is located to annually extend each year such taxes, when an ordinance is certified to him making such levy, the same to be extended at the rate so fixed therein, not exceeding one per cent, nor exceeding seven years, and to extend the same in a separate column designated “levy [levee] tax.” [§ 619, ch. 24, R. S.]

567. WHEN TAX TO BE PAID TO THE TREASURER.] § 3. It shall be the duty of the collector of taxes of such county, city or village, or township collector (in counties under township organization) when they receive moneys levied as a levee tax, to pay same over to the proper city, village or town treasurer, every two weeks, all that may be in such collector's hands, informing such treasurer that the same is levee tax, taking his receipt for the same as levee tax paid over. [§ 620, ch. 24, R. S.]

568. DUTY OF TREASURER.] § 4. It shall be the duty of the treasurer of such city, village or town to receive from the collector of taxes such moneys raised for such purposes and in the manner specified, and pay same out as rapidly as possible only on warrants issued thereon, so long as any such warrants remain unpaid. [§ 621, ch. 24, R. S.]

569. THIS TAX SHALL STILL PERMIT LEVY OF TWO PER CENT.] § 5. Such tax so authorized shall still permit the levy of the two per cent rate now authorized to be levied for corporate purposes annually as heretofore. [§ 622, ch. 24, R. S.]

TAX TO PURCHASE BRIDGE.

AN ACT to provide for the assessment and taxation of bridges across navigable waters on the borders of this State. [Approved and in force May 1, 1873; L. 1873, p. 7.]

570. SALE OF BRIDGE, ETC., FOR TAX—CITY MAY PURCHASE. § 2. In default of the payment of any such tax assessed against any such bridge company, as aforesaid, such bridge structure, and approaches thereto, so far as the same are located within this State, together with the land on which the same is located, as described by the assessor, and the franchise belonging thereto, shall be sold for such tax at the same time and in the same manner as other real estate

shall be sold in such county for delinquent tax; and any county, city, town, school district, or other municipal corporation, interested in the collection of the tax levied upon such bridge, may become the purchaser at such sale, or at any sale of such property under judgment recovered upon, or to enforce the collection of such tax; and if the property so sold is not redeemed, may acquire, hold, sell and dispose of the title thereto. [As amended by act approved May 3, 1877, In force July 1, 1877. L. 1877, p. 171. § 355, ch. 120, R. S.]

TAX TO REPAIR DAMAGE BY CYCLONE.

AN ACT to authorise cities whose public buildings have been or may be destroyed or impaired by cyclone or tornado to levy a tax to pay the cost of rebuilding or restoring such building. [Approved and in force April 24, 1899; L. 1899, p. 103.]

571. WHAT CITIES TO HAVE POWER TO REBUILD OR RESTORE SUCH BUILDING—RESTORATION TAX.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council in any city, whether organized under general law or special charter, in which the city hall, city jail or police station, fire department house or houses, or public library, or all of them, have been destroyed or seriously impaired by cyclone or tornado since Jan. 1, 1896, or shall hereafter be so seriously impaired or destroyed, shall have power, in order to rebuild or restore any such building or all of them, thus seriously impaired or destroyed, to levy an annual tax for not exceeding ten successive years of not exceeding 5 mills on the dollar on all the taxable property in any such city, such tax to be levied and collected in like manner with the general taxes of said city and to be known as the public building, rebuilding or restoration fund: *Provided*, that said annual public building, rebuilding or restoration tax shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any such city in this State is now organized. [§ 627, ch. 24, R. S.]

572. HOW RESTORATION TAX TO BE LEVIED.] § 2. When any such city, as designated in section one (1) of this act, shall decide to rebuild or restore any such building, or all of them, in consequence of their destruction or serious impairment by cyclone or tornado, it shall do so by ordinance of its city council, in which ordinance it shall be also stated the number of years, not exceeding ten, such annual public building, rebuilding or restoration tax shall be levied, and the number of mills, not exceeding 5, on the dollar of said taxable property. Said tax shall be included in the annual appropriation and tax levy ordinances of any such city for the years that it can be levied under the provisions of this act: *Provided*, that if any city has already taken steps or action to rebuild or restore any of its city buildings seriously impaired or destroyed by cyclone or tornado, as aforesaid, it shall be no bar or hindrance to its availing itself of the benefits of this act, but may modify such steps or actions to a substantial compliance with the requirements hereof. [§ 628, ch. 24, R. S.]

573. RESTORATION TAX TO BE DEPOSITED IN THE CITY TREASURY—HOW PAID OUT.] § 3. All moneys received as proceeds from said

public building, rebuilding or restoration fund tax shall be deposited in the city treasury of any such city to the credit of said fund, shall be kept separate and apart from other moneys of such city, and shall not be used or paid out for any other purpose whatsoever than that of paying the cost of or obligations for rebuilding or restoring public buildings seriously impaired or destroyed by cyclone or tornado in such city, as aforesaid, until all of said cost or obligations shall have been discharged: *Provided*, that if said moneys can not be used annually to pay said cost or obligations, but shall accumulate, the city council may invest said moneys as they shall come into the treasury, in good interest-paying securities, there to remain until the same are needed for the payment of the cost of or obligations for the rebuilding or restoration of public buildings in said city under the provisions and authority of this act. [§ 629, ch. 24, R. S.]

574. EMERGENCY.] § 4. Whereas, in some cities in which the public buildings have been destroyed by cyclone or tornado their annual appropriation ordinance has to be enacted before July 1, wherefore an emergency exists, therefore this act shall be in force from and after its passage. [§ 630, ch. 24, R. S.]

*TAXATION OF RECEIPTS OF INSURANCE COMPANIES.

AN ACT to incorporate and govern fire, marine and inland navigation companies doing business in the State of Illinois. [Approved and in force March 11, 1869. L. 1869, p. 206.]

575. TAX ON NET RECEIPTS.] § 30. Every agent of any insurance company, incorporated by the authority of any other State or government, shall return to the proper officer of the county, town or municipality in which the agency is established, in the month of May, annually, the amount of the net receipts of such agency for the preceding year, which shall be entered on the tax lists of the county, town and municipality, and subject to the same rate of taxation, for all purposes—State, county, town and municipal—that other personal property is subject to at the place where located; said tax to be in lieu of all town and municipal licenses; and all laws and parts of laws inconsistent herewith are hereby repealed: *Provided*, that the provisions of this section shall not be construed to prohibit cities having an organized fire department from levying a tax, or license fee, not exceeding 2 per cent, in accordance with the provisions of their respective charters, on the gross receipts of such agency, to be applied exclusively to the support of the fire department of such city. [As amended by act approved May 31, 1879, in force July 1, 1879. L. 1879, p. 179. § 78, ch. 73, R. S.]

*NOTE—"An act providing for a tax on gross premium receipts of insurance companies and associations other than life," approved April 19, 1869, in force July 1, 1869, was designed by the General Assembly to supersede the section above quoted. But the Supreme Court, in the case of *Raymond vs. Hartford Fire Insurance Company*, 186 Ill., 229, held that said act was unconstitutional and that, inasmuch as the act supposed to repeal the former act was void, the former act is still in force.

LOCAL IMPROVEMENTS—ACTS CONCERNING SPECIAL ASSESSMENTS AND SPECIAL TAXATION. [PARAGRAPHS 576-686.]

LOCAL IMPROVEMENTS—SPECIAL ASSESSMENTS AND SPECIAL TAXATION.

AN ACT concerning local improvements. [Approved June 14, 1897, in force July 1, 1897. L. 1897, p. 101.]

576. POWERS CONFERRED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the corporate authorities of cities, villages and incorporated towns are hereby vested with the power to make such local improvements as are authorized by law, by special assessment, or by special taxation, of contiguous property, or by general taxation, or otherwise, as they shall by ordinance prescribe:

Provided, That this act shall apply only to such cities and villages as are now, or shall hereafter become, incorporated under an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and to all cities, villages and incorporated towns which have heretofore adopted article 9 of the act above mentioned, in the manner therein provided, or shall hereafter adopt this act, as herein provided; but all other corporate authorities, having power to levy special assessments or special taxes for local improvements, may make use of the provisions of this act for that purpose in the manner hereinafter provided. [§ 507, ch. 24, R. S.]

577. MUNICIPAL OFFICERS IN CITIES OF 50,000 INHABITANTS AND OVER.] § 2. In cities of this State having a population of fifty thousand (50,000) or more, by the last preceding census of the United States, or of this State, there shall be appointed and designated, in the manner provided by law, or if no such method be provided, then by appointment of the mayor, a commissioner of public works, a superintendent of streets, a superintendent of special assessments, a superintendent of sewers and a city engineer. The compensation of such officers, if not fixed by law, shall be determined by the city council or board of trustees, and no order, resolution or ordinance to change the same shall be passed within one month after its introduction and publication. Such offices shall not be discontinued at any time, by ordinance or otherwise, but vacancies therein shall be filled in the same manner as the original appointment. The appointees to said offices shall be subject to removal by the mayor, but the term of office shall be held to expire as soon after the end of the term of the mayor appointing as their successors shall be appointed and qualified. [As amended by act approved and in force May 9, 1901. L. 1901, p. 102; § 508, ch. 24, R. S.]

578. IN CITIES HAVING A POPULATION OF LESS THAN 50,000.] § 3. In cities having a population of less than fifty thousand (50,000), as ascertained as aforesaid, and in villages and incorporated towns, the city council or board of trustees may, in their discretion, provide by ordinance that the mayor or president, as the case may be, shall appoint and designate a superintendent of streets and a public engi-

neer, which offices may be discontinued by ordinance, to take effect at the expiration of the then fiscal year, and no officer, filling any office so discontinued, shall have any claim against such city, village or town for any compensation after such discontinuance. Vacancies therein shall be filled as above provided. The compensation and term of office shall be ascertained as in the last paragraph. [As amended by act approved and in force May 9, 1901. L. 1901, p. 102; § 509, ch. 24, R. S.]

579. ORDINANCE AUTHORIZING IMPROVEMENTS—PETITION OF PROPERTY OWNERS.] § 4. When any such city, town or village shall by ordinance provide for the making of any local improvement, it shall by the same ordinance prescribe whether the same shall be made by special assessment, or by special taxation of contiguous property, or general taxation or both. But in cities, towns or villages having a population of less than 50,000, ascertained as aforesaid, no ordinance for making any local improvement to be paid by special assessment or by special taxation of contiguous property shall be adopted unless the owners of one-half of the property abutting on the line of the proposed improvement shall petition for the same: *Provided*, that in cities, towns or villages of a population of 10,000 or under, no ordinance for making any improvement shall be adopted unless a majority of resident property owners affected by such improvement shall petition for the same. [As amended by act approved April 19, 1899, in force July 1, 1899. L. 1899, p. 95; § 510, ch. 24, R. S.]

580. RESTRICTION ON PASSAGE OF ORDINANCE.] § 5. No ordinance for any local improvements, to be paid wholly or in part by special assessment or special taxation, shall be considered or passed by the city council or board of trustees of any such city, village or town, unless the same shall first be recommended by the board of local improvements provided for by this act. [§ 511, ch. 24, R. S.]

581. BOARD OF LOCAL IMPROVEMENTS.] § 6. In cities within the terms of this act, having a population of one hundred thousand (100,000) or more, by the last preceding census of the United States, or of this State, there is hereby created a board of local improvements, consisting of the superintendent of special assessments and four other members; such four members shall be nominated by the mayor and shall be confirmed by the city council or board of trustees of such city; and no one of which, except such superintendent of special assessments, shall be the head of any department of the government of such city, or hold any other office or position therein. Said board shall elect from its members a president, a vice president and an assistant secretary. The superintendent of special assessments shall be ex officio secretary of the board. In the absence or the inability of the president and the secretary to act, the vice-president for the president, and the assistant secretary for the secretary, are hereby given full power to sign and execute contracts, vouchers, bonds, pay-rolls and all other papers, documents, and instruments necessary to carry this act and all proceedings hereunder into full force and effect. Said board shall hold daily sessions for the transaction of all business in rooms accessible to the public to be provided by the city council.

The city council or board of trustees of such city shall provide for salaries for said board of local improvements.

In cities within the terms of this act having a population of more than fifty thousand (50,000) and less than one hundred thousand (100,000,) by the last preceding census of the United States, or of this State, there is hereby created a board of local improvements, consisting of five members, of which board the commissioner of public works shall be the president. The other members of said board shall be the superintendent of streets, the superintendent of sewers, the superintendent of special assessments and the city engineer.

In cities having a population of less than fifty thousand (50,000,) and in villages and incorporated towns, the board of local improvements shall consist of the mayor of said city, or the president of such village or town, who shall be president of such board, and the public engineer and the superintendent of streets of such municipality, where such officers shall be provided for by ordinance; but, if at any time, no such officers shall be provided for, then the city council or the board of trustees, as the case may be, shall by ordinance designate two or more members of such body, who shall, with such mayor or president of such village or town, until otherwise provided by ordinance, constitute the members of the board. [As amended by act approved and in force May 9, 1901. L. 1901, p. 102; § 512, ch. 24, R. S.

582. PROCEEDINGS PRELIMINARY TO PUBLIC HEARING.] [§ 7. All ordinances for local improvements to be paid for wholly or in part by special assessment or special taxation shall originate with the board of local improvements. Petitions for any such public improvement shall be addressed to said board. Said board shall have the power to originate a scheme for any local improvement, to be paid for by special assessment or special tax, either with or without a petition, and in either case shall adopt a resolution describing the proposed improvement, which resolution shall be at once transcribed into the records of the board.

Whenever the proposed improvement will require that private property be taken or damaged, such resolution shall describe the property proposed to be taken for that purpose. Said board shall, by the same resolution, fix a day and hour for the public consideration thereof, which shall not be less than ten days after the adoption of such resolution. Said board shall also cause an estimate of the cost of such improvement (omitting land to be acquired) to be made in writing by the engineer of the board (if there be one, if not, then by the president) over his signature, which shall be itemized to the satisfaction of said board, and which shall be made a part of the record of such resolution. Notice of the time and place of such public consideration or hearing shall be sent by mail directed to the person who paid the general taxes for the last preceding year on each lot, block, tract or parcel of land fronting on the proposed improvement, not less than five (5) days prior to the time set for such public hearing. Said notice shall contain the substance of the resolution adopted by the board and the estimate of the cost of the proposed

improvement, and a notification that the extent, nature, kind, character and estimated cost of such proposed improvement may be changed by said board at the public consideration thereof and that if upon such hearing the board shall deem such improvement desirable, it shall adopt a resolution therefor and prepare and submit an ordinance therefor as hereinafter provided.

Provided however, that in proceedings only for the laying, building, constructing or renewing of any sidewalk, water service pipe or house drain, no resolution, public hearing or preliminary proceedings leading up to the same shall be necessary. In such proceedings the board may submit to the city council or board of trustees, as the case may be, an ordinance, together with its recommendation, and the estimated cost of the improvement, as made by the engineer, as herein provided, and such proceedings shall have the same force and effect as though a public hearing had been had thereon. [As amended by act approved and in force May 9, 1901. L. 1901, p. 103: § 513, ch. 24, R. S.]

583. PUBLIC HEARING.] § 8. At the time and place fixed in said notice for the public hearing, the said board shall meet and hear the representations of any person desiring to be heard on the subject of the necessity for the proposed improvement, the nature thereof, or the cost as estimated. In case any person shall appear to object to the proposed improvement or any of the elements thereof, said board shall adopt a new resolution abandoning the said proposed scheme or adhering thereto, or changing, altering or modifying the extent, nature, kind, character and estimated cost, provided such change shall not increase the estimated cost of the improvement to exceed twenty (20) per centum of the same without a further public hearing thereon, as it shall consider most desirable; and thereupon, if the said proposed improvement be not abandoned, the said board shall cause an ordinance to be prepared therefor, to be submitted to the council or board of trustees (as the case may be.) Such ordinance shall prescribe the nature, character, locality and description of such improvement and shall provide whether the same shall be made wholly or in part by special assessment or special taxation of contiguous property; and, if in part only, shall so state.

If property is to be taken or damaged for said improvement, such ordinance shall describe the same with reasonable certainty.

In cities of 100,000 inhabitants or over when a remonstrance petition is filed by the owners of a majority of the frontage on the line of the proposed improvement with the board of local improvements within thirty (30) days after the public hearing thereon, said board shall thereupon stay all proceedings therein for one year from said date.

The remonstrance above referred to, to be filed with the board, shall contain the signatures of the owners or legal representatives, the description of the property owned or represented, the number of feet so owned or represented and shall be verified by affidavit of one or more property owners fronting on the line of the proposed improvement, setting forth that the party making the affidavit is a prop-

erty owner, fronting on the proposed improvement, and that the parties who signed the same are the owners or legal representatives of the property described therein. [As amended by act approved and in force May 9, 1901. L. 1901, p. 104; § 514, ch. 24, R. S.]

584. RECOMMENDATION BY BOARD.] § 9. With any such ordinance, presented by such board to the city council or board of trustees, shall be presented also a recommendation of such improvement by the said board, signed by at least a majority of the members thereof. The recommendation by said board, shall be *prima facie* evidence that all the preliminary requirements of the law have been complied with, and if a variance be shown on the proceedings in the court, it shall not affect the validity of the proceeding, unless the court shall deem the same wilful or substantial. [§ 515, ch. 24, R. S.]

585. ESTIMATE OF COST.] § 10. Together with the said ordinance and recommendation shall be presented to the city council or board of trustees, an estimate of the cost of such improvement, as originally contemplated, or as changed, altered or modified at the public hearing, itemized so far as the board of local improvements shall think necessary, over the signature of the engineer of the board, if there be one; if not, then of the president of said board, who shall certify that, in his opinion, the said estimate does not exceed the probable cost of the improvement proposed, and the lawful expenses attending the same. The recommendation by said board shall be *prima facie* evidence presumed to be based upon a full compliance with the requirements of the act. [As amended by act approved and in force May 9, 1901. L. 1901, p. 105; § 516, ch. 24, R. S.]

586. PUBLICATION OF ORDINANCE.] § 11. Upon the presentation to the common council or board of trustees of such proposed ordinance, together with such recommendation and estimate, if the said estimate of cost shall exceed the sum of one hundred thousand dollars (\$100,000), (exclusive of the amount to be paid for land to be taken or damaged), such ordinance shall be referred to the proper committee, and published in the proceedings of the council or board of trustees, in the usual way, in full, with the recommendation and estimates, at least one week before any action shall be taken thereon by the council or board of trustees. [§ 517, ch. 24, R. S.]

587. WHEN PROPERTY IS TAKEN.] § 12. Should such an ordinance provide for improvements which require the taking or damaging of property, the proceedings for making just compensation therefor shall be as described in sections 13 to 33, inclusive, in this act. [§ 518, ch. 24, R. S.]

588. PETITION.] § 13. Whenever any such ordinance shall be passed by the legislative authority of any such city, village or town for the making of any local improvement, that such city, village or town is authorized to make, to be paid for wholly or in part by special assessment, or by special taxation, the making of which will require that private property be taken or damaged for public use, such city or village shall, either in such ordinance or by subsequent order, designate some officer to file a petition in some court of record of the county in which such city, village or town is situated in the name of

the municipality, praying that steps may be taken to ascertain the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance, and to ascertain what property will be benefited by such improvement, and the amount of such benefit. [§ 519, ch. 24, R. S.]

589. CONTENTS OF PETITION—COMMISSIONERS.] § 14. Such petition shall contain a reasonably accurate description of lots, blocks, tracts and parcels of land which shall be taken or damaged. There shall be filed with or attached to such petition a copy of said ordinance, certified by the clerk, under the corporate seal, but the failure to file such copy shall not affect the jurisdiction of the court to proceed in said cause, and to act upon said petition; but if it shall appear in any such cause that a copy of the ordinance has not been attached to or filed with said petition before the report of the commissioners shall be filed, as provided in section 15, then, upon motion of any person whose real estate is to be taken, or to be assessed, the entire petition and proceedings shall be dismissed. Upon the filing of the petition the court shall enter an order designating two competent persons as commissioners, to act with the superintendent of special assessments (where such officer is provided for by this act, and in other cases the president of said board of local improvements), who shall investigate and report to the court the just compensation to be made to the respective owners of private property which will be taken or damaged for the said improvement, and also what real estate will be benefited by such improvement, and the amount of such benefits to each parcel. Neither shall be employes of the petitioning municipality, and both shall be disinterested persons. They shall be allowed a fee for their services, which shall be fixed by the court in advance and taxed as costs and included in the amount to be assessed. The amount so allowed may be taxed as costs, and included in the amount to be assessed. The amount so allowed may be reviewed by the court on motion. Said three commissioners shall be duly sworn to make a true and just assessment of the cost of said improvement, according to law. The concurrence of any two in a report shall be sufficient. [§ 520, ch. 24, R. S.]

590. COMMISSIONERS' REPORT.] § 15. Such commissioners shall thereupon make such investigation, and prepare and file in court their report accordingly, in and by which report they shall, in one column, describe the respective parcels of property to be taken or damaged for such improvement; in another column the respective owners of record of the said parcels of land, the name and residence of each such owner being set opposite his own property; in another column the name and residence of the occupant, where the property is occupied, so far as known to such commissioners or can be found upon diligent inquiry; in another column the amount of the value of each piece or parcel to be taken for such improvement, setting the same opposite the property to which it relates; and in another column the amount of damages, if any, which in their opinion, will result to any piece or parcel of land not taken, by reason of the said improvement, describing each piece or parcel so damaged by a reasonably accurate description; said commissioners shall further estimate

and report what proportion of the total cost of such improvement (including therein their estimate of value and damages, and the estimate of cost) will be of benefit to the public, and what proportion thereof will be of benefit to the property, and shall apportion the same between the municipality and such property so that each shall bear its relative equitable proportion; and having found said amounts, shall further report what lots, blocks, tracts and parcels of land will be specially benefited by the said improvement, and shall describe the same by a reasonably accurate description, and shall apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by said improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited. [§ 521, ch. 24, R. S.]

591. NET DAMAGE OR BENEFIT.] § 16. If the amount awarded to any person for property taken or damaged for such improvement be greater than the amount assessed against the property for such improvement, or if the benefit be greater than the damage, in either case the difference only shall be collectable of the owner or be paid to him. [As amended by act approved and in force May 9, 1901. L. 1901, p. 105; § 522, ch. 24, R. S.]

592. OFFSET FOR LAND DONATED.] § 17. In the assessment of damages and benefits for the opening of any street or alley it shall be lawful for such commissioner[s], in making such assessment, where part of the land to be laid out into such street or alley has been theretofore donated by any person or persons for such street or alley, to appraise the value of the land so donated, and to apply the value thereof, so far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or parties claiming under them, but nothing herein contained shall authorize any person or persons by whom such donation is made to claim from the city, village or town, the amount of such appraisement, except as an offset, as herein provided; and where the assessment is only for the widening of any street which may have been theretofore donated, either in whole or in part, to the public by the proprietors of the adjoining land, it shall also be lawful for said commissioners, in their discretion, to make such allowance therefor in their assessment of benefits as shall seem to them equitable and just; but in either such case they shall state in their report the amount of such allowance, and the same shall be subject to review, as the court shall direct. [§ 523, ch. 24, R. S.]

593. COMMISSIONERS' CERTIFICATE.] § 18. Such commissioners shall return their said report to the court in which said petition was filed, and file the same with the clerk thereof, with their certificate, duly verified, stating in substance that they have carefully examined the questions referred to in their report, and that in their opinion the amounts awarded for damages and value therein, and the assessment district therein shown, and the respective amounts assessed against the private property, and also the apportionment of the cost

of said improvement between the public and the private property assessed, and the allowance for property theretofore dedicated, if any, are correct, equitable and just. The return and filing of such report shall be deemed an application by the petitioner for judgment of condemnation of the property so to be taken or damaged, and for a confirmation of the said assessment of benefit. [§ 524, ch. 24, R. S.

594. AFFIDAVIT OF OWNERSHIP.] § 19. The superintendent of special assessments, or president of the board of local improvements (as the case may be) shall file with said report an affidavit made by himself, or by some employé of his office, that the affiant has carefully examined the records in the recorder's office of the said county for the names of the owners of record of the several lots, blocks, tracts and parcels of land to be taken or damaged for said improvement, and also for the names of the owners of record of the respective lots, blocks, tracts and parcels of land against which benefits are assessed in said report and that the names of such owners are correctly shown in the column or schedule of ownership in said report; also, that he has diligently inquired as to the residence of the respective owners of property to be taken or damaged for said improvement, and of all the respective lots, blocks, tracts and parcels of land against which benefits are assessed in said report, that the names of such owners are correctly shown in the column or schedule of ownership in said report; also, that he has diligently inquired as to the residence of the respective owners of property to be taken or damaged for said improvement and of all the respective lots, blocks, tracts and parcels of land against which benefits have been assessed in said report (specifying the nature of the inquiry and examination he has made for that purpose,) and that the residences of the said owners are correctly stated, according to the result of his said examination, in the column or schedule of residences in said report; also, that in all cases where he has been unable to find the residence of the owner of such record title, he has examined the return of the collector's warrant for taxes on real estate for the preceding year, and has set opposite each such parcel, whose owner has not been found, the name of the person who paid the tax on said parcel for the preceding year, together with his place of residence, wherever, on diligent inquiry, he was able to find the same.

Said affidavit, or an affidavit filed therewith, shall further state that the affiant has visited each of the parcels of land to be taken or damaged for said improvement, described in said report, for the purpose of ascertaining whether or not the same was occupied, and the name and residence of the occupant, if any; and that in every case where said parcels of land were found to be occupied, upon such investigation, the name of the occupant is stated in said report opposite such parcel, together with his residence, when ascertained. Such affidavit and report shall be *prima facie* evidence that the requirements of this act have been complied with. [§ 525, ch. 24, R. S.

595. JURISDICTION OF DEFENDANTS.] § 20. Every person who shall be named in said report as an owner of property to be taken or damaged for the said improvement, and every person who shall be therein named as an occupant of any parcel thereof, shall be made a

party defendant in said proceeding. All other persons having or claiming interests in any of said premises shall be described and designated as "all whom it may concern," and by that description shall be made defendants. Upon the filing of the report aforesaid, a summons which may be made returnable upon any day in term time, not less than fifteen (15) days after its date, shall be issued and served upon the persons made party defendants, as in cases in chancery. But if service of such summons shall be had less than ten days before said return day, no steps shall be taken in said matter against the defendant so served, or his property, before the first day of the next term of said court which shall occur ten days or more after such service. And as to such of said defendants as are shown by said affidavit to be non-residents of the State of Illinois, or whose residences are shown thereby to be unknown, and the defendants designated as "all whom it may concern," the clerk of the court shall cause publication to be made in some newspaper designated by the court for that purpose by an order to be entered of record in the cause, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, the time and the place of the return of the summons in the case, the description of the property to be taken or damaged, the total cost of the improvement as shown by the estimate and report, and the nature of the proceeding; such notice shall further state that a special assessment has been made to raise the cost of said improvement, and the time and place of filing the report thereof; such publication to be made four weeks, consecutively, at least once in each week, the first of which shall be at least 30 days before the return day of such summons. A similar notice shall be posted for ten days before such return day in two public places in the vicinity of said improvement. [§ 526, ch. 24, R. S.]

596. MAILING NOTICE TO OWNERS.] § 21. Where the residence of any defendant named in said report is shown thereby to be outside of the State of Illinois, and such residence is stated therein, a copy of the said notice shall be sent by mail to such party, at the address so given, at least 15 days prior to the return day of the said summons. If the residence of any defendant shall be found to be unknown, as shown by the said report and affidavit, a similar notice shall be sent to the person last paying taxes upon such premises, if his residence be stated in such report. Such service, publication and notices shall be sufficient to give the court jurisdiction of all the parties whose lands are to be taken or damaged, so as to determine all questions relating to said proceeding, and affecting the land described in the report. [§ 527, ch. 24, R. S.]

597. MAILING NOTICES TO PARTIES ASSESSED.] § 22. There shall be sent by mail, post paid, to each person whose property has been assessed for benefits in said proceeding (not being owners of property taken or damaged therefor), directed to the address as shown in said report, or where not so shown, then generally to the city, village or town in which said improvement is to be made, at least 15 days before the said return day, a notice stating the nature of said improvement, the description of such owner's property assessed therefor, the amount of such assessment, and the date when the summons

in said cause will be returnable, and when objections thereto may be filed. An affidavit of one of the commissioners, or some other person, showing such service, mailing, posting and publication, shall be *prima facie* evidence of a compliance with all the requirements thereof; but the publication may be proved in any other manner provided by law. [§ 528, ch. 24, R. S.]

598. TRIALS.] § 23. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the court shall proceed to a hearing of the said cause, and shall impanel a jury to ascertain the just compensation to be paid to all such owners of property to be taken or damaged; and if objections shall be filed to the confirmation of the assessment of benefits, such objections shall be submitted to the same jury at the same time; and thereupon such jury shall ascertain the just compensation to be paid to the owner of each lot, block, tract or parcel of land to be taken or damaged in said proceeding, and shall also determine whether or not any lot, piece or parcel of land assessed in said proceeding, for which objections have been filed, has been assessed more than it will be benefited by said improvement, and on such hearing the report of the officer, so returned and filed as aforesaid, shall be *prima facie* evidence, both of the amount of the compensation to be awarded, and of the benefits to be assessed. [§ 529, ch. 24, R. S.]

599. SEPARATE TRIALS.] § 24. If, however, any defendant or party interested shall demand, and if the court shall deem it proper, separate juries may be impaneled, either as to the benefits assessed, or as to the compensation or damages to be paid to any one or more of such defendants or parties in interest. [§ 530, ch. 24, R. S.]

600. VIEW BY THE JURY.] § 25. The court may, upon the motion of the petitioner, or of any person claiming any such compensation, direct that the jury (under the charge of an officer) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein. [§ 531, ch. 24, R. S.]

601. ADJOURNMENTS.] § 26. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by notice or by publication, and shall order a new summons to issue and publication to be made, and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants for private property taken or damaged, and the amount of benefits to be assessed against them, if any; and like proceedings shall be had for such purpose as hereinbefore provided

in the case of other owners; but no final judgment shall be entered as to any of the property embraced in said roll until all the issues in the case have been disposed of, including revised or recast rolls, if any. [§ 532, ch. 24, R. S.]

602. WHERE TITLE HAS CHANGED.] § 27. The court shall have power, at any time, upon proof that any such owner named in such petition, who has not been served with process, has ceased to be such owner since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or damage thereto) which has been owned by the person so ceasing to own the same, and benefits thereto; and the court may, upon any finding or findings of the jury, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require. [§ 533, ch. 24, R. S.]

603. ADVERSE CLAIMANTS.] § 28. Nodelay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may require the jury to ascertain the entire compensation or damage that should be paid for the property, or part of the property, and the entire interests of all parties therein, and may require adverse claimants to interplead, so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation. [§ 534, ch. 24, R. S.]

604. INFANT OR INSANE OWNERS.] § 29. When it shall appear from said petition or otherwise, at any time during the proceedings upon such petition, that any infant or insane or distracted person is interested in any property that is to be taken or damaged, the court shall appoint a guardian *ad litem* for such infant or insane or distracted person, to defend the interest of such infant or insane or distracted person, in such property, or the compensation which shall be awarded therefor. [§ 535, ch. 24, R. S.]

605. EFFECT OF JUDGMENT.] § 30. Any final judgment or judgments, rendered by said court upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken, upon the payment of the net amount of such finding, as hereinafter provided. It shall be final and conclusive as to the damages and benefits caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if the petitioner shall deposit, as directed by the court, the amount of judgment and costs, after deducting the benefits assessed and adjudged against such property, if any, and shall file a bond in court in which such judgment was rendered, in a sum to be fixed, and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded for the property in question, and costs. [§ 536, ch. 24, R. S.]

606. ORDER FOR POSSESSION.] § 31. The court, upon proof that the amount of said just compensation, so found by the jury (in excess of the benefits so assessed and adjudged against the same property), has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given, in case of an appeal or writ of error), shall enter an order that the petitioner shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which compensation shall have been so paid or deposited as aforesaid. Such order shall not be appealable as a separate order, if the same be entered in time to be made a part of the record on appeal or writ of error from the judgment, or before the cause is taken under advisement upon hearing by the Supreme Court, but may be reviewed upon appeal or writ of error from the judgment. [§ 537, ch. 24, R. S.]

607. PROCEEDINGS PENDING APPEAL.] §. 32. Upon the return of a verdict in a proceeding to acquire property for a public improvement, if no motion for a new trial be made, or if made, then if overruled, the petitioner shall within ninety days after final judgment as to all defendants, both as to the amount of damages and compensation to be awarded and benefits to be assessed, elect whether it will dismiss said proceedings or enter judgment in [on] said verdict. If it shall elect to enter said judgment, it shall become thereby bound and liable to pay the amount thereof, whether such assessment be collected or not, and such judgment or condemnation shall not be conditional. Petitioner shall not thereafter be permitted to withdraw from such proceeding, or to dismiss the same, without the consent of all parties whose land is thereby condemned, except as hereinafter provided. In case an appeal or writ of error be taken by either party from the judgment of condemnation or confirmation, then unless the petitioner shall file in the cause its written election to proceed with the improvement, notwithstanding the appeal, no steps shall be taken to collect the assessment, nor to compel payment of the compensation awarded, until said appeal or writ of error be disposed of and final judgment entered in the cause; or in case of reversal, until a new trial and judgment; but in case of final reversal petitioner may still elect to abandon the proceedings: *Provided*, the same be done within sixty (60) days thereafter. [§ 538, ch. 24, R. S.]

608. FILING ROLL—COMMISSIONERS—DEFICIENCY — REVISED ASSESSMENT ROLL—NOTICE.] § 33. If, in any case, upon the filing of the roll by the commissioners, it shall appear that the amount assessed as benefits is not sufficient to pay the awards, with the costs: or if, upon the disposition of the whole case, any such deficiency shall appear, the court may, on the application of the petitioner, cause the roll to be again referred to the same or other commissioners, to be recast; and in such cases said commissioners shall consider and report whether or not other premises will be benefited by said improvement, or whether or not the premises already assessed will be benefited thereby in any greater amount, and in what amount, if any; and shall make and return a revised assessment roll, and the same may be done from time to time, as often as any deficiency shall appear. But

no lot, block, tract or parcel of land shall be assessed more than it will be benefited by said improvement, nor more than its proportionate share of the costs of the improvement. If any premises not already described in said roll shall be assessed by the commissioners, the owners thereof shall be shown, and notice given as for an original assessment; and if the assessment on any premises previously assessed shall be increased thereby, or if any property shall be newly assessed, the owner thereof, if not already represented in court, shall be notified in like manner, and a hearing shall be had as above provided. [§ 539, ch. 24, R. S.]

609. IMPROVEMENTS REQUESTED BY MAJORITY OF FRONTAGE—SIDEWALKS.] § 34. Whenever the owners of one-half of the property abutting on any street, alley, park or public place, or portion thereof, shall petition for any local improvement thereon, the board of local improvements in any city, village or town shall take the steps hereinbefore required for a hearing thereon, but at such hearing shall consider only the nature of the proposed improvement and the cost thereof, and shall determine, in the manner above provided, the nature of the improvement which it will recommend, and shall thereupon prepare and transmit to the legislative body a draft of an ordinance therefor together with an estimate of the cost, as above described, and shall recommend the passage thereof, which recommendation shall be *prima facie* evidence that all the preliminary steps required by law have been taken; and thereupon it shall be the duty of such legislative body to pass an ordinance for the said improvement, and take the necessary steps to have the same carried into effect. Whenever any ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed forty (40) days after the time at which said ordinance shall take effect in which to build or renew such sidewalk opposite to his land, and thereby relieve the same from assessment: *Provided*, the work so to be done shall in all respects conform to the requirements of such ordinance.

Notice of the passage of such ordinance shall be sent by mail within ten days after such passage to the person who paid the taxes on said premises for the preceding year, if he or they can be found in said county, and also a like notice addressed to the "occupant" of said property, if the same be at such time actually occupied, and an affidavit of such service shall be filed with the official report of such assessment. Such affidavit shall be *prima facie* evidence of a compliance with said requirements. [As amended by act approved and in force May 9, 1901. L. 1901, p. 105; § 540, ch. 24, R. S.]

610. SPECIAL TAX.] § 35. When the ordinance under which a local improvement shall be ordered shall provide that such improvements shall be made wholly or in part by special taxation of contiguous property, such special tax shall be levied, assessed and collected, as nearly as may be, in the manner provided in the section of this act providing for the mode of making, assessing and collecting special assessments: *Provided*, that no special tax shall be levied or assessed upon any property to pay for any local improvement in an amount in excess of the special benefit which

such property shall receive from such improvement. Such ordinance shall not be deemed conclusive of such benefit, but the question of such benefit and of the amount of such special tax shall be subject to the review and determination of the court, and be tried in the same manner as in proceedings by special assessment. [§ 541, ch. 24, R. S.]

611. SPECIAL ASSESSMENT.] § 36. When the ordinance under which a local improvement is ordered to be made, containing no provisions for the condemnation of private property therefor, shall provide that such improvement shall be wholly or in part paid for by special assessment, the proceedings for the making of such assessment shall be in accordance with the following provisions of this act. [§ 542, ch. 24, R. S.]

612. JURISDICTION OF COURTS.] § 37. Upon the passage of any ordinance for a local improvement pursuant thereto, it shall be the duty of the officer specified therein, to file a petition in some court of record in said county, in the name of such municipality, praying that steps [may] be taken to levy a special assessment for the said improvement, in accordance with the provisions of the said ordinance. The several circuit and county courts of this State, and the superior court of Cook county, shall have jurisdiction of any proceeding under this act. There shall be attached to or filed with such petition a copy of the said ordinance, certified by the clerk, under corporate seal; also a copy of the recommendation of the board of local improvements, and of the estimate of the cost, as approved by the legislative body. The failure to file any, or either of said copies shall not affect the jurisdiction of the court to proceed in said cause, and to act upon said petition; but if it shall appear in any such cause that such copies have not been attached to or filed with said petition before the filing of the assessment roll therein, then, upon motion of any objector for that purpose, on or before appearance day in said cause, the entire petition and proceeding shall be dismissed. [§ 543, ch. 24, R. S.]

613. ORDER FOR ASSESSMENT.] § 38. Upon the filing of such petition, the superintendent of special assessments, in cities where such officer is provided for by this act, otherwise some competent person appointed by the president of the board of local improvements, shall make a true and impartial assessment of the cost of the said improvement upon the petitioning municipality and the property benefited by such improvement. [As amended by act approved and in force May 9, 1901; L. 1901, p. 106; § 544, ch. 24, R. S.]

614. APPORTIONMENT OF COST.] § 39. It shall be the duty of such officer to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited, and to apportion the same between the city, village or town and such property, so that each shall bear its relative equitable proportion; and having found such amounts, to apportion and assess the amount so found to be of benefit to the property, upon the several lots, blocks, tracts and parcels of land, in the proportion in which they will be severally benefited by such improvement: *Provided*, that no lot, block, tract

or parcel of land shall be assessed a greater amount than it will be actually benefited; and when the proposed improvement is for the construction of a sewer, to investigate and report the district which will be benefited by such proposed sewer, describing the same by boundaries. [As amended by act approved and in force May 9, 1901; L. 1901, p. 106; § 545, ch. 24, R. S.]

615. DESCRIPTION OF PROPERTY ASSESSED.] § 40. In levying any special assessment or special tax, each lot, block, tract or parcel of land shall be assessed separately, in the same manner as upon assessment for general taxation: *Provided*, that this requirement shall not apply to the property of railroad companies, or the right of way and franchise of street railway companies, but the same may be described in any manner sufficient to reasonably identify the property intended to be assessed. [§ 546, ch. 24, R. S.]

616. ASSESSMENT ROLL—NOTICES.] § 41. The assessment roll shall contain a list of all the lots, blocks, tracts and parcels of land assessed for the proposed improvement, the amount assessed against each, the name of the person who paid the taxes on each such parcel during the last preceding calendar year in which taxes were paid, as ascertained upon investigation by the officer making the return, or under his direction, the residence of the person so paying the taxes on each such parcel if the same can on diligent inquiry be found; in case of assessment in installments, the amount of each installment shall also be stated; and the officer making such roll shall certify under oath that he verily believes that the amounts assessed against the public and each parcel of property are just and equitable, and do not exceed the benefit which will in each case be derived from said improvement, and that no lot, block, tract or parcel of land has been assessed more than its proportionate share of the cost of said improvement.

Several lots or parts of land, owned and improved as one parcel, may be assessed as one parcel.

Unsubdivided tracts of land may, for the purpose of spreading assessments for house drains and water service pipes, be divided into lots of a frontage of twenty-five (25) feet each; and any fraction of frontage then remaining may be assessed as a fractional lot.

Notice shall be given of the nature of the improvement, of the pendency of said proceeding, of the time and place of filing the petition therefor, of the time and place of filing the assessment roll therein, and of the time and place at which application will be made for confirmation of the assessment, the same to be not less than fifteen (15) days after the mailing of such notices. Such notices shall be sent by mail postpaid to each of the said persons paying the taxes on the respective parcels during the last preceding year in which taxes were paid, at his residence as shown in the assessment roll, or, if not shown, then to such person so paying the taxes, directed generally to the city, village or town in which said improvement is proposed to be made.

Such notice shall state the amount assessed to the person to whom the same is directed for the improvement proposed, the total

amount of the cost of said improvement, and the total amount assessed as benefits upon the public. An affidavit shall be filed before the final hearing showing a compliance with the requirements of this section, and also showing that the affiant (either the officer making the said return, or some one acting under his direction) made a careful examination of the collector's books showing the payments of general taxes during the last preceding year in which the taxes were paid thereon, to ascertain the person or persons who last paid the taxes on said respective parcels, and a diligent search for their residences, and that the report correctly states the same as ascertained by the affiant; and said report and affidavit shall be conclusive evidence, for the purpose of said proceeding, of the correctness of the assessment roll in said particulars; but in case the said affidavit shall be found in any respect willfully false, the person making the same shall be deemed guilty of perjury, and subject to the pains and penalties provided for such offense by the laws of this State. [As amended by act approved and in force May 9, 1901. L. 1901, p. 106; § 547, ch. 24, R. S.]

617. DIVISION OF ASSESSMENT INTO INSTALLMENTS—PAYMENT OF—INTEREST.] § 42. It shall be lawful to provide by the ordinance for any local improvement any portion of the cost of which is to be defrayed by special assessment or special taxation, or by ordinance passed at any time before the confirmation of the assessment roll, that the aggregate amount assessed and also each individual assessment, be divided into installments, not more than ten (10) in number. In all cases such division shall be so made that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment, so as to leave the remaining installments of the aggregate equal in amount and each a multiple of one hundred dollars (100). The first installment shall be due and payable on the second day of January next after the completion and acceptance of the work as certified by the board of local improvements to the officer authorized to collect the assessments, and the second installment one (1) year thereafter, and so on annually until all installments are paid.

All installments, except the first, shall bear interest as hereinafter provided until paid, at the rate of five (5) per centum per annum.

Interest on assessments shall begin to run from the date of the first voucher issued on account of work done, as certified by said board of local improvements to the city council or board of trustees (as the case may be) and to the clerk of the court in which such assessment was confirmed.

The interest on each installment, except the first, shall be payable as follows: On the second day of January next succeeding the date of said completion and acceptance of the work certified as aforesaid, the interest accrued up to that time on all unpaid installments shall be due and payable and be collected with the installment, and thereafter the interest on all unpaid installments, then payable, shall be payable annually, and be due and payable at the same time as the installments maturing in such year and be collected therewith. In all cases it shall be the duty of the municipal collectors, as the case

may be, whenever payment is made of any installment, to collect interest thereon up to the date of such payment, whether such payment be made at or after maturity.

Any person may at any time pay the whole assessment against any lot, piece or parcel of land, or any installment thereof, with interest as provided herein up to the date of payment. [As amended by act approved and in force May 9, 1901. L. 1901, p. 107; § 548, ch. 24, R. S.]

618. RETIREMENT OF BONDS ANNUALLY.] § 43. On or before January tenth of each year the treasurer of the municipality issuing such bonds, or some other officer designated by ordinance for that purpose, shall ascertain the amount of such assessment collected and applicable to the payment of bonds of each series unmaturred, and shall select by lot bonds of series, to such amount, to be paid therewith, and shall give notice in some newspaper published in such municipality (or if none be so published, then in the nearest newspaper), of the number of bonds to be so paid, the series thereof, the assessment to which they relate, and the particular bonds so selected to be paid, and that the same will be paid, at a place to be specified, on the tenth day of February next following. And, thereupon, from and after said tenth day of February, said bonds shall be payable, at the place so appointed, on demand, and no further interest shall accrue thereon. [§ 549, ch. 24, R. S.]

619. NOTICE BY POSTING AND PUBLICATION.] § 44. Petitioner shall, in addition to other notices hereinbefore provided for, cause at least fifteen (15) days' notice to be given prior to the time at which confirmation of said assessment shall be sought, by posting notices in at least four public places in such city or village, all of which shall be in the neighborhood of such proposed improvement, and by publishing the same at least five successive days in some daily newspaper of said city, village or town, or, if no daily newspaper is published in such city, village or town, and a weekly paper is published therein, then at least once in each week for two successive weeks in some weekly newspaper; or if no daily nor weekly newspaper is published in such city, village or town, then at least once in each week for two successive weeks in some other newspaper published in the county in which said city, village or town is situated. Where other corporate authorities having power to make use of the provisions of this act shall do so, the notice may be published in any daily or weekly newspaper in the county in which such proceeding shall be had. The notice shall be over the name of the officer levying such assessment, and be substantially as follows:

"SPECIAL ASSESSMENT NOTICE."

"Notice is hereby given to all persons interested that the city council (or board of trustees, or other corporate authorities, as the case may be) of..... having ordered that (here insert a brief description of the nature of the improvement), the ordinance for the same being on file in the office of the..... clerk, having applied to the..... court of..... county for an assessment of the costs of said improvement, according to benefits, and an assessment therefor having been made and returned to said court, the final hearing thereon will be had on the..... day of..... A. D. 190..... or as soon thereafter as the business of the court will permit. All persons desiring may file objections in said court before said day, and may appear on the hearing and make their defense."

(Here give date.)

Where the assessment is payable in installments, the number of installments and the rate of interest shall also be stated. [As amended by act approved and in force May 9, 1901. L. 1901, p. 108; § 550, ch. 24, R. S.]

620. CONTINUANCE FOR NOTICE.] § 45. If fifteen days shall not have elapsed between the first publication, or the putting up of such notice, and the day fixed in said notice for filing objections, said cause shall be continued until the next term of the court, at or prior to which time objections may be filed with the same effect as if within said fifteen days. [§ 551, ch. 24, R. S.]

621. OBJECTIONS.] § 46. Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, by the time mentioned in said notice, or in case of incomplete notice then as specified in the last preceding section, or within such further time as the court may allow, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to filing pleas; but no prior rule need be taken therefor unless directed by the court. As to all lots, blocks, tracts and parcels of land, to the assessment of which objections are not filed within the time aforesaid, or such other time as may be ordered by the court, default may be entered, and the assessment confirmed by the court, notwithstanding objections may be pending and undisposed of as to other property. § 552, ch. 24, R. S.

622. REVIEW OF ASSESSMENT ROLL BY THE COURT.] § 47. Upon objection or motion for that purpose, the court in which said proceeding is pending may, in a summary way, inquire whether the officer making the report has omitted any property benefited; also whether or not the assessment, as made and returned, is an equitable and just distribution of the cost of said improvement, first, between the public and the property; and second, among the parcels of property assessed. The court shall have the power, on such application being made, to revise and correct the assessment levied, to change or modify the distribution of the total cost between the public and property benefited, and also to change the manner of distribution among the parcels of private property, so as to produce a just and equitable assessment, considering the nature of the property assessed, and its capacity for immediate use of the improvement when completed. The court may either make such corrections or changes, or determine in general the manner in which the same shall be made, and refer the assessment roll to the person filing the same for revision and correction. The determination of the court as to the correctness of the distribution of the cost of the improvement between the public and the property to be assessed, shall be conclusive, and not subject to review on appeal or writ of error. [§ 553, ch. 24, R. S.]

623. HEARING OF LEGAL OBJECTIONS.] § 48. On the application of the petitioner, at any time after the return day, the court may set down all objection, except the objection that the property of the objector will not be benefited to the amount assessed against it, and that said property is assessed more than its proportionate share of the cost of such improvement, for a hearing at a time to be fixed by

the court, and upon such hearing the court shall determine all questions relating to the sufficiency of the proceedings, the distribution of the cost of the improvement between the public and the property, and of the benefits between the different parcels of property assessed, together with all other questions arising in such proceeding, with the exception aforesaid, and shall thereupon enter an order in accordance with the conclusions it shall reach; but such order shall not be deemed a final disposition of any such questions for the purpose of appeal, unless objectors shall waive further controversy as to the remaining question upon the record. [§ 554, ch. 24, R. S.]

624. TRIAL BY JURY.] § 49. If it be objected on the part of any property assessed for such improvement, that it will not be benefited thereby to the amount assessed thereon, and that it is assessed more than its proportionate share of the cost of such improvement, and a jury be not waived by agreement of parties, the court shall impanel a jury to try the said issue, and in such case, unless otherwise ordered by the court, all such objections shall be tried and disposed of before a single jury. The assessment roll, as returned by the officer making the same, or as revised and corrected by the court on the hearing of the legal objections, shall be *prima facie* evidence of the correctness of the amount assessed against each objecting owner, but shall not be counted as the testimony of any witness or witnesses in the cause. Either party may introduce such other evidence as may bear upon the said issue or issues. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of any objector are assessed more than they will be benefited by the said improvement or more than its proportionate share of the cost of such improvement, the jury shall so find, and shall also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly. [§ 555, ch. 24, R. S.]

625. DISTRIBUTION OF DEFICIENCY.] § 50. Wherever, on a hearing by the court, or before a jury, the amount of any assessment shall be rendered [reduced] or canceled, so that there shall be a deficiency in the total amount remaining assessed in the proceeding, the court shall have the power, in the same proceeding, to distribute such deficiency upon the other property in the district assessed, in such manner as the court shall find to be just and equitable, not exceeding, however, the amount it will be benefited by said improvement. In case any portion of such deficiency be charged against such property not represented in court, a new notice, of the same nature as the original notice, shall be given in like manner as the original notice, to show the cause why the said assessment, as thus increased, should not be confirmed, and the owners of or parties interested in such property shall have the right to object in the same form and with the same effect as in case of the original assessment, and the court shall have the same power to dispose thereof. [§ 556, ch. 24, R. S.]

626. PRECEDENCE FOR TRIAL.] § 51. The hearing in all the cases arising under this act, if in the county court, may be had at either a law or a probate term of said court; and such proceedings

shall have precedence over all other cases in any court where the same shall be brought, except criminal cases, or other cases in which the public is a moving party. [§ 557, ch. 24, R. S.]

627. MODIFICATION BY COURT.] § 52. The court before which any such proceedings may be pending shall have authority to modify, alter, change, annul or confirm any assessment returned as aforesaid, in addition to the authority already conferred upon it, and may take all such proceedings, and make all such orders, as may be necessary to make a true and just assessment of the cost of such improvement, according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose, as to the whole or any part of the premises. [§ 558, ch. 24, R. S.]

628. LAND TO BE FIRST ACQUIRED.] § 53. No special assessment or special tax shall be levied for any local improvement until the land necessary therefor shall be acquired and in possession of the municipality, except in cases where proceedings to acquire such land shall have been begun, and proceeded to judgment. [§ 559, ch. 46, R. S.]

629. PRIOR IMPROVEMENT OF SAME KIND NO OBJECTION.] § 54. It shall be no objection to the legality of any local improvement that a similar one shall have been previously made in the same locality, if the ordinance therefor be recommended by the board of local improvements, as above provided; but nothing herein contained shall be construed to interfere with any defense in said proceeding relating to the benefits received therefrom. [§ 560, ch. 24, R. S.]

630. JUDGMENT ON INSTALLMENT ASSESSMENTS.] § 55. In case of a special assessment or a special tax levied to be paid by installments, under the provisions of this act, the order of confirmation that shall be entered upon the return of the assessment roll shall apply to all of the installments thereof, and may be entered in one order. [§ 561, ch. 24, R. S.]

631. EFFECT OF JUDGMENT.] § 56. The judgments of the court shall be final as to all the issues involved, and the proceedings in said cause shall be subject to review by appeal or writ of error as herein-after provided, and not otherwise: *Provided, however,* that by mutual consent the same may be vacated or modified at a subsequent term, except as hereinafter provided.

Such judgments shall have the effect of several judgments as to each tract or parcel of land assessed, and no appeal from any such judgment or writ of error shall invalidate or delay the judgments, except as to the property concerning which the appeal or writ of error is taken. Such judgments shall be a lien upon the property assessed from the date thereof, to the same extent and of equal force and validity as a lien for the general taxes, for a period of five years, if such assessment is payable in a single sum; if payable by installments, then until five years after the last installment comes due. Nothing in this section contained shall interfere with the right of the petitioner to dismiss its proceedings, and for that purpose to vacate such judgment at its election at any time before commencing the actual collection of such assessment, and no judgment entered in such proceeding so dismissed and vacated shall be a bar to another

like or different improvement: *Provided*, that after the contract for the work shall have been entered into, or the bonds mentioned in this act issued, no judgment shall be vacated or modified or any petition dismissed at a term subsequent to that at which the judgment was rendered, nor the collection of the assessment be in any way stayed or delayed by the council or board of trustees, or board of local improvements, or any officer of the municipality, without the consent of the contractor and bondholder. [As amended by act approved and in force May 9, 1901; L. 1901, p. 109; § 562, ch. 24, R. S.]

632. VACATION OF ASSESSMENT—NEW ASSESSMENT.] § 57. If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had as herein required in relation to the first; and all parties in interest shall have like rights, and the city council or board of trustees, and the court, shall perform like duties and have like power in relation to any subsequent assessment as are hereby given in relation to the first assessment. [§ 563, ch. 24, R. S.]

633. NEW ASSESSMENT FOR COMPLETED WORK.] § 58. No special assessment shall be held void because levied for work already done under a prior ordinance, if it shall appear that such work was done in good faith, by the contract duly let and executed, pursuant to an ordinance providing that such improvement should be paid for by special assessment or special tax. This provision shall only apply when the prior ordinance shall be held insufficient for the purpose of such assessment, or otherwise defective, so that the collection of the assessment therein provided for becomes impossible. A new or special ordinance shall in such case be passed, providing for such assessment, and such ordinance need not be presented by the board of local improvements. [§ 564, ch. 24, R. S.]

634. SUPPLEMENTAL ASSESSMENTS—REBATES.] § 59. If in any case the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on until sufficient moneys shall have been realized to pay for such public improvement. It shall be no objection to such assessment that the prior assessment has been levied, adjudicated and collected, unless it shall appear that in such prior cause, upon proper issue made, it was specially found, in terms, that the property objected for would be benefited by said improvement no more than the amount assessed against it in such prior proceedings. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those against whom the assessment was made.

Provided, however, the petitioner, in case it so elects, may dismiss the petition and vacate the judgment of confirmation, either at or after the term at which the judgment was rendered, and begin new proceedings for the same or a different improvement, as provided in section 56 as herein amended. [As amended by act approved and in force May 9, 1901. L. 1901, p. 109; § 565, ch. 24, R. S.]

635. NEW ASSESSMENT AGAINST DELINQUENTS.] § 60. If from any cause any city, village or town shall fail to collect the whole or any

portion of any special assessment or special tax which may be levied, which shall not be canceled or set aside by the order of any court, for any public improvement authorized to be made and paid for by a special assessment or special tax, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency and interest thereon from the date of such original assessment, which assessment shall be made, as nearly as may be, in the same manner as herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessments, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove insufficient, either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third to be levied, and so on in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment. [§ 566, ch. 24, R. S.]

636. COLLECTION—CERTIFYING ROLL.] § 61. Within thirty (30) days after the filing of the report of the cost of the work as provided in section 84 of this act, as herein amended, the clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment as amended or reduced, to the officer of such city, village or town, authorized to collect such special assessment; or, if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error, and such certification shall be filed by the officer receiving the same in his office. With such assessment roll and judgment the clerk of such court shall also issue a warrant for the collection of such assessment. The court shall have power to recall such warrants as to all or any of the property affected at any time before payment or sale, in case the proceedings be abandoned by the petitioner or the judgment be vacated or modified in a material respect as hereinbefore provided, but not otherwise. [As amended by act approved and in force May 9, 1901. L. 1901, p. 109; § 567, ch. 24, R. S.]

637. WARRANT TO COLLECTOR.] § 62. Should an appeal or writ of error be taken on any part of such judgment, and the board elect to proceed with the improvement, notwithstanding such an appeal, as provided for in section seventy-five (75) of this act, the clerk shall certify such appealed portion, from time to time, in the manner above mentioned, as the judgment is rendered thereon, and the warrant accompanying such certificate in each case shall be authority for the collection of so much of such assessment as shall be included in the portion of the roll thereto attached. The warrant in all cases of assessment, under this act, shall contain a copy of such certificate of the judgment describing lots, blocks, tracts and parcels of land assessed so far as they shall be contained in the portion of the roll so certified, and the respective amount assessed on each lot, block, tract

or parcel of land, and shall be delivered to the officer authorized to collect such special assessment. The collector having a warrant for any assessment levied to be paid by installments may receive any or all of the installments of such assessment, but if in part only, then in their order. [As amended by act approved and in force May 9, 1901. L. 1901, p. 109; § 568, ch. 24, R. S.]

638. COLLECTOR'S NOTICE.] § 63. The collector receiving such warrant shall immediately give notice thereof by publishing a notice in one or more newspapers in such city, town or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement; such notice may be substantially in the following form:

SPECIAL ASSESSMENT NOTICE.

Special Warrant. No.....

Notice: Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment (or special tax) upon property benefited by the following improvement: (Here describe the character and location of the improvement in general terms), as will more fully appear from the certified copy of the judgment on file in my office; that the warrant for the collection of such assessment (or special tax) is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amount assessed at the collector's office (here insert location of office), within 30 days from the date hereof.

Dated this..... day of, A. D. 18.....

.....
Collector.

When such assessment or special tax is levied to be paid in installments, such notice shall, in addition to the foregoing, contain the amount of each installment, the rate of interest deferred installments bear, the date when payable. [§ 569, ch. 24, R. S.]

639. COLLECTOR'S DEMAND—PENALTY—ENTRY OF PAYMENT.] § 64. It shall be the duty of the collector into whose hands the warrant shall come, as far as practicable, to call upon all persons, resident within the neighborhood, whose names appear upon the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notices left at his or her usual place of abode, inform them of such special assessment, and request payment of the same.

Any such collector omitting to do so shall be liable to a penalty of ten dollars for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment thereon, shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post office address of the person making the payment, and the date of payment. [§ 570, ch. 24, R. S.]

640. REPORT OF COLLECTOR OF DELINQUENT LIST TO GENERAL OFFICER.] § 65. It shall be the duty of the collector on or before the first day of April in each year, to make a report in writing to the general officer of the county authorized or to be designated by the general revenue laws of this State to apply for judgment and sell lands for taxes due the county and State, of all the land, town lots, and real

property on which he shall be unable to collect special assessments, or installments thereof matured and payable, or interest thereon, or interest due to the preceding January second on installments not yet matured on all warrants in his hands, with the amount of such delinquent special assessment or installments and interest together with his warrants; or, in case of an assessment levied to be paid by installments, with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof, which report shall be accompanied with the oath of the collector that the list is a correct return and report of the land, town lots and real property on which the special assessment (or special tax levied by the authority of the city of or town or village of as the case may be), or installments thereof, or interest, remaining due and unpaid; that he is unable to collect the same, or any part thereof, and that he has given the notice required by law that such warrants have been received by him for collection. [As amended by act approved and in force May 9, 1901. L. 1901, p. 110; § 571, ch. 24, R. S.

641. REPORT TO BE EVIDENCE.] § 66. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law, in relation to the making of said return, have been complied with, and the special assessments, or special taxes, or the matured installments thereof, and the interest thereon, and the interest accrued on installments not yet matured, mentioned in said report, are due and unpaid, and upon the application for judgment of sale upon such assessment or matured installments thereof, or the interest thereon, or the interest accrued on installments not yet matured, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof, and no errors in the proceeding to confirm, not affecting the power of the court to entertain and consider the petition therefor, shall be deemed a defense to the application herein provided for.

When such application is made for judgment of sale on an installment only of an assessment payable by installments, all questions affecting the jurisdiction of the court to enter the judgment of confirmation and the validity of the proceedings shall be raised and determined on the first of such applications. On application for judgment of sale on any subsequent installment, no defense, except as to the legality of the pending proceeding, the amount to be paid, or actual payment, shall be made or heard. And it shall be no defense to the application for judgment on any assessment or any installment thereof that the work done under any ordinance for an improvement does not conform to the requirements of such ordinance, if it shall appear that the said work has been accepted by or under the direction of the board of local improvements. And the voluntary payment by the owner or his agent, of any installment, of any assessment, levied on any lot, block, tract or parcel of land, shall be deemed and held in law to be an assent to the confirmation of the assessment roll, and to be held to release and waive any and all right of such owner to enter objections to the application for judgment of sale and order for sale. The judgment of sale on any installment shall include all interest

accrued on said installment up to the date of said judgment of sale, and also the annual interest due as returned delinquent by the municipal collector on any installment or installments not matured; and all judgments of sale for a matured installment shall bear interest on the amount of the principal of said matured installment to the date of payment or sale. [As amended by act approved and in force May 9, 1901. L. 1901, p. 110; § 572, ch. 24, R. S.]

642. APPLICATION FOR JUDGMENT—SALE—REVENUE LAWS TO GOVERN.] § 67. When such general officer shall receive the report above provided for, he shall proceed to obtain judgment against said lots and parcels of land and property for said special assessments and said special taxes or installments thereof, and interest remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county or State; and shall in the same manner proceed to sell the same for the said special assessments, special taxes or installments thereof, and interest remaining due and unpaid. In obtaining such judgments and making such sale, the said officer shall be governed by the general revenue law of the State, except when otherwise provided herein. No application for judgment against lands for unpaid special taxes or special assessments shall be made at a time different from the annual application for judgment against lands upon which general taxes remain due and unpaid. The application for judgment upon delinquent special assessments or special taxes in each year shall include only such special assessments, special taxes or installments thereof, and interest shall have been returned as delinquent to the county collector on or before the first day of April in the year in which said application is made: *Provided*, that such judgment of sale shall include interest on matured installments up to the date of such judgment, as herein provided. [As amended by act approved and in force May 9, 1901. L. 1901, p. 111; § 573, ch. 24, R. S.]

643. RETURN OF SALE—REDEMPTION.] § 68. After making said sale, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk and redemption may be made as provided for by the general revenue law of this State. [§ 574, ch. 24, R. S.]

644. SALE WHERE ASSESSMENT PAID—PENALTY.] § 69. If the collector shall receive any moneys for taxes or assessments, or installments thereof, and give a receipt therefor, for any land or parcel of land, and afterwards make a return that the said tax, assessment or installment thereof was unpaid, to the State officers authorized to sell land for taxes, or shall receive the said amount so payable after such return has been made, and the said property be sold for any tax, assessment or installment thereof which has been so paid and receipted for by himself or his clerks, he and his bondsmen shall be liable to the holder of the certificate given to the purchaser at the said sale for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city, village or town shall in no case be liable to the holder of such certificate. [§ 575, ch. 24, R. S.]

645. PAYING OVER—COMPENSATION.] § 70. The collector or collectors, and the general officer aforesaid to whom the said warrants shall be returned, shall pay over to the city, village or town treasury to which it shall belong, all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes, or otherwise, at such time or times and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinance of the city or village may provide, except when such compensation is fixed by a general law. [§ 576, ch. 24, R. S.]

646. GENERAL REVENUE LAWS APPLY.] § 71. The general revenue laws of this State, in reference to proceedings to recover judgment for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessments and special taxes. [§ 577, ch. 24, R. S.]

647. MUNICIPALITY MAY BUY IN.] § 72. Any city, village or town interested in the collection of any tax or special assessment, may, in default of other bidders, become a purchaser at any sale of property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more municipal officers to attend such sales and bid thereat in behalf of the corporation. [§ 578, ch. 24, R. S.]

648. CONTRACTS PAYABLE FROM ASSESSMENTS—CLAIM LIMITED TO FUNDS COLLECTED—ACCOUNT TO BE KEPT.] § 73. No person or persons or bodies corporate, taking any contracts from the city, village or town, and agreeing to be paid out of special assessments or special taxes, shall have any claim or lien upon the city, village or town in any event, except from the collection of special assessments or special taxes made or to be made for the work contracted for, but the municipality shall cause collections and payments to be made with all reasonable diligence. And in such case, if it shall appear that such assessment or tax can not be levied nor collected, the municipality shall not, nevertheless, be in any way liable to such contractor or contractors in case of failure to collect the same, but shall, so far as it can legally do so, with all reasonable diligence, cause a valid assessment or assessments, special tax or taxes, to be levied and collected to defray the cost of said work until all contractors shall be fully paid, and any contractor shall be entitled to summary relief of mandamus or injunction to enforce the provisions hereof.

The city treasurer shall keep a separate account with each special assessment warrant number, and with the money received thereunder. [As amended by act approved and in force May 9, 1901. L. 1901, p. 112; § 579, ch. 24, R. S.]

649. LETTING CONTRACTS—WHEN CITY, ETC., MAY PERFORM THE WORK.] § 74. All contracts for the making of any public improvements, to be paid wholly or in part by special assessment or special tax, and any work or other public improvements when the expense

thereof shall exceed five hundred dollars (\$500), shall be let to the lowest responsible bidder in the manner herein prescribed, such contracts to be approved by the president of the board of local improvements.

In case of any work in which it is estimated that the work will not cost more than five hundred dollars (\$500), if after receiving bids it shall appear to said board of local improvements that said work can be performed better and cheaper by the city, town or village, or the authorities thereof, the authorities of the city, town or village shall perform said work and employ the necessary help therefor, and the cost of said work by said city, town or village, or the authorities thereof, shall in no case be more than the lowest bid received. [As amended by act approved and in force May 9, 1901. L. 1901, p. 112; § 580, ch. 24, R. S.]

650. WHEN STEPS TO BE TAKEN TO LET CONTRACTS.] § 75. Within ninety (90) days after the term of court at which judgment of confirmation of any special assessment or special tax, levied in pursuance of this act, has been entered, if there be no appeal perfected, or other stay of proceedings by a court having jurisdiction, or in case the judgment for the condemnation of any property for any such improvement, or the judgment of confirmation as to any property be appealed from, then, if the petitioner shall file in such cause a written election to proceed with the work, notwithstanding such appeal, or other stay, steps shall be taken to let the contract for such work in the manner herein provided. If the judgment of condemnation or of confirmation of the special tax or special assessment levied for such work be appealed from, or stayed by a supersedeas or other order of a court having jurisdiction, and the petitioner file no such election, then the steps herein provided for the letting of the contract for such work shall be taken within fifteen (15) days after the final determination of said appeal or writ of error, or the determination of such stay, unless the proceeding be abandoned as herein provided. [As amended by act approved and in force May 9, 1901; L. 1901, p. 112; § 581, ch. 24, R. S.]

651. NOTICE FOR LETTING CONTRACTS—BIDS.] § 76. Notice shall be given by advertisement in some newspaper, adopted for that purpose, by the board of local improvements by an order entered in their records, that bids will be received for the construction of such improvement, either as a whole or in such sections as the board shall specify in its notice, in accordance therefor; which notice shall state the time of opening such bids (not more than fifteen (15) nor less than ten (10) days thereafter), and shall further state where the specifications for such improvements are to be found, and whether the contractors are to be paid in cash or in bonds, and if in bonds, then the rate of interest such vouchers or bonds shall draw. If no newspaper be published in said municipality, then four such notices shall be posted, all of which shall be in the vicinity of the proposed improvement. Proposals or bids may be made either for such work as a whole or for such specified sections thereof. All proposals or bids offered shall be accompanied by cash or by a check payable to the

order of the president of the board of local improvements in his official capacity, certified by a responsible bank, for an amount which shall not be less than ten (10) per centum of the aggregate of the proposal. Said proposals or bids shall be delivered to the board of local improvements, and said board shall, in open session, at the time and place fixed in said notice, examine and publicly declare the same: *Provided, however*, that no proposals nor bids shall be considered unless accompanied by such check or cash. [As amended by act approved and in force May 9, 1901; L. 1901, p. 113; § 582, ch. 24, R. S.

652. ACCEPTING BID—CONTRACT.] § 77. Said board of local improvements may reject any and all proposals or bids, should they deem it best for the public good; and if they shall be of the opinion that a combination exists between contractors, either to limit the number of bidders or to increase the contract price, and that the lowest bid is made in pursuance thereof, it shall be their duty to do so; and said board may reject the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid, which award shall be recorded in the record of its proceedings. Such award, if any, shall be made within twenty days after the time fixed for receiving bids. If no award be made within said time, another advertisement for proposals or bids for the performance of the work, as in the first instance, shall be made, and thereafter [the board shall] proceed in the manner above in this act provided; and such re-advertisement shall be deemed a rejection of all former bids, and thereupon the respective checks and bonds corresponding to the bids so rejected shall be returned to the proper parties, but the checks accompanying such accepted proposals or bids shall be retained in the possession of the president of the said board until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest responsible bidder or by the owners of a majority of the frontage, whereupon said certified check shall be returned to said bidder. But if the said bidder fails, neglects or refuses to enter into a contract to perform said work or improvement, as herein provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be declared to be forfeited to said city, village or town, and shall be collected by it and paid into its fund for the repairing and maintenance of like improvements; and any bonds forfeited may be prosecuted, and the amount due thereon collected and paid into the said fund. [§ 583, ch. 24, R. S.

653. PERSON INTERESTED ENTITLED TO HEARING.] § 78. Any owner or person interested in any of the property assessed and any bidder shall be entitled to a hearing before said board on any question connected with any such award. [§ 584, ch. 24, R. S.

654. NOTICE OF AWARDING CONTRACT.] § 79. Notice of such award of contract shall be published for two (2) days in a daily newspaper published and circulated in said city, village or town, designated by the said board of local improvements, by general order

for that purpose, duly entered in its records. Or where there is no daily newspaper in said city or village, by one (1) insertion of the same in a semi-weekly or weekly newspaper so published and circulated, and so designated: *Provided, however*, that in case there is no newspaper printed or published in such city, village, or town, then four (4) notices of such award shall be posted, all of which shall be in the vicinity of the proposed improvement. [As amended by act approved and in force May 9, 1901. L. 1901, p. 113; § 585, ch. 24, R. S.]

655. OWNERS OF A MAJORITY OF FRONTAGE MAY TAKE CONTRACT.] § 80. The owners of a majority of the frontage of the lots and lands upon the street wherein said work is to be done, or their agents, who shall take oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work, and enter into a written contract to do the whole work at ten per centum less than the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within 30 days after the first posting and publication of said award, and to prosecute the same with diligence, it shall be the duty of the board of local improvements to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. [§ 586, ch. 24, R. S.]

656. REJECTING BIDS IN CASE OF DEFAULT.] § 81. If such original bidder fails or refuses for fifteen (15) days after the first posting or publication of the notice of award, or in case a contract be made with the owners, and default by them, then, within ten (10) days after notice that such owners are in default, to enter into a contract, then said board of local improvements, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the then regular lowest bidder. The bids of all persons, and the election of all owners as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work. [As amended by act approved and in force May 9, 1901. L. 1901, p. 113; § 587, ch. 24, R. S.]

657. COMPLETING UNFINISHED WORK—CONTRACTOR'S BONDS—PAYMENT OF EXPENSES.] § 82. If the owners or contractors, who may have taken any contract, shall not complete the same within the time mentioned in the contract, or within such further time as the board of local improvements may give them, the said board may re-let the unfinished portions of the said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall, at the time of executing any contract for such public work, execute a bond to the satisfaction and approval of the board of local improvements of said city, village or town, in such sum as the said board shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify, before some person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. [§ 588, ch. 24, R. S.]

658. APPOINTMENT OF ATTORNEYS, ENGINEERS, CLERKS, INSPECTORS, ETC.—EXECUTION AND ACCEPTANCE OF WORK—RECOURSE ON MUNICIPALITY.] § 83. The board of local improvements in cities of one hundred thousand (100,000) inhabitants and over, according to the last census as hereinbefore provided, may appoint an attorney for the board who shall have charge, under its direction and control, of all legal matters pertaining to the board of local improvements, the confirmation of special assessments and the collection of the same. It may also appoint an engineer for the board, and such assistant attorneys, engineers, clerks, inspectors, etc., as may be necessary to carry into effect the purposes of this act.

The board is hereby authorized to make or cause to be made, the written contracts, and receive all bonds authorized by this act, and to do any other act, expressed or implied, that pertains to the execution of the work provided for by such ordinance or ordinances, and shall fix the time for the commencement of the work thereunder and for the completion of the work under all contracts entered into by it, which work shall be prosecuted with diligence thereafter to completion and said board may extend the time so fixed from time to time, as they may think best for the public good. The work to be done pursuant to such contracts must, in all cases, be done under the direction and to the satisfaction of the board of local improvements, and all contracts made therefor must contain a provision to that effect, and also express notice that in no case, except as otherwise provided in the ordinance, or the judgment of the court, will said board or municipality, except as herein otherwise provided, or any officer thereof, be liable for any portion of the expenses, not for any delinquency of persons or property assessed.

The acceptance by the said board of any improvement shall be conclusive in the proceeding to make said assessment, and in all proceedings to collect the same, or installments thereof, on all persons and property assessed therefor, that the work has been performed substantially according to the requirements of the ordinance therefor, but if any property owner be injured by any failure so to construct such improvement, or suffer any pecuniary loss thereby, he may recover the amount of such injury in an action on the case against the municipality making said improvement: *Provided, however*, that such action be commenced within one year from the date of the acceptance of the work by the board of local improvements. [As amended by act approved and in force May 9, 1901. L. 1901, p. 114; § 589, ch. 24, R. S.]

659. ABATING EXCESS OF ASSESSMENTS OVER COST OF IMPROVEMENT.] § 84. Within 30 days after the final completion and acceptance of the work, as hereinbefore provided, the board of local improvements shall cause the cost thereof to be certified, in writing, to the court in which said assessment was confirmed, together with an amount estimated by the board to be required to pay the accruing interest on bonds or vouchers issued to anticipate collection, and thereupon, if the total amount assessed for said improvement upon the public and private property exceeds the cost of the same, all of

said excess excepting the amount required to pay such interest as herein provided for, shall be abated and the judgment reduced proportionately to the public and the private property owners and shall be credited *pro rata* upon the respective assessments for said improvements under direction of the court, and in case the assessment is collectible in installments, such reduction shall be made so that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment so as to leave the remaining installments in the aggregate equal in amount and each a multiple of \$100; the intent and meaning hereof being that no property owner shall be required to pay to the collector a greater amount than his proportionate share of the cost of said work and of the interest that may accrue thereon. [As amended by act approved and in force May 9, 1901. L. 1901, p. 114; § 590, ch. 24, R. S.]

660. INSPECTION OF WORK.] § 85. The said board of local improvements shall cause the entire work done pursuant to any such proceeding and contract, and the materials therefor, to be carefully inspected during the progress of the work, to the end that the contractor or contractors shall comply fully and adequately with all the provisions of the said ordinance, and of the contract under which said work is to be done, and the specifications therefor; and upon the complaint of any property owner that the work or materials do not comply with such requirements, the president of the said board of local improvements shall either examine the said work and materials himself, or designate some member of said board to do so, who shall make personal examination, and certify in writing as to the result thereof, which written certificate shall be filed with the papers pertaining to the said board, and be open to public inspection at any time. [§ 591, ch. 24, R. S.]

661. BONDS TO ANTICIPATE INSTALLMENTS OF ASSESSMENT.] § 86. For the purpose of anticipating the collection of the second and succeeding installments, provided for in this act, it shall be lawful for such city, village or town, to issue bonds, payable out of said installments, bearing interest at the rate of five per centum per annum, payable annually and signed by such officers as may be by ordinance prescribed; said bonds shall be issued in sums of \$100, or some multiple thereof, and shall be dated and draw interest from the date of the issuing of the same. Each bond shall state on its face out of which installment it is payable, and shall state, by number or other designation, the assessment to which such installment belongs. The principal of such bond shall not exceed, in the aggregate, the amount of such deferred installments, and shall be divided into as many series as there are deferred installments: *Provided*, nothing herein contained shall be construed to prevent the payment of any voucher or bond out of an installment having a surplus to its credit, other than the one against which the same is issued. The intent and meaning thereof being that in case from any cause the installment against which such bond or voucher is drawn has not sufficient money to the credit thereof to pay the same, the entire amount of the assessment or any installment thereof may be applied toward the payment of any such vouchers or bonds issued against the assessment.

Each series shall become due at some time in the year in which the corresponding installment will mature, such date to conform, as nearly as may be, to the time when such installment will be actually collected, such time to be estimated and determined by the municipal officers issuing such bonds: *Provided, also*, that it shall be lawful to provide in the case of any one or more of the bonds in any series, that such bond or bonds shall not become due until some subsequent date, not later than the 31st day of December next succeeding the January in which the installment against which such series is issued shall become due and payable. Such bonds may be in the following form:

STATE OF ILLINOIS, }
County of..... } ss.

S.....

Series No.....
Bond No.....
of

IMPROVEMENT BOND.

"The.....of
County, Illinois, for value received, promise to pay to the bearer on the.....
day of..... A. D..... the
sum of..... dollars, with interest thereon from
date hereof, at the rate of five per centum, payable annually on presentation of the coupons
hereto annexed.

"Both principal and interest of this bond are payable at the office of the treasurer of
said.....of.....

"This bond is issued to anticipate the collection of a part of the.....
installment of special assessment No..... levied for the purpose of..... which
said installment bears interest from the..... day of..... A. D..... and
this bond and the interest thereon are payable solely out of said installments when collected.

"Dated this..... day of..... A. D....."

Which said bond may have coupons attached to represent the interest to accrue thereon. [As amended by act approved and in force May 9, 1901. L. 1901, p. 115; § 592, ch. 24, R. S.]

662. BONDS TO BE ISSUED AT PAR AND ACCRUED INTEREST.] § 87. Said bonds may be sold or paid to the contractor having the contract for the improvement for which the assessment was levied, at not less than their par value and interest accrued to time of delivery, whether sold or paid to the contractor. [§ 593, ch. 24, R. S.]

663. PAYMENT BY BONDS—HOW COSTS PAID.] § 88. Payment for any improvement done or performed under the provisions of this act, to be paid for out of any special assessment or special tax levied in installments, as herein provided, may be made in the bonds herein provided for; and the first installment thereof shall be paid to the person or persons entitled thereto on the contract for said work: *Provided, however*, that in cities, towns and villages having a population of less than 100,000, where the ordinance for the improvement provides for the collection of costs, such costs shall be first paid out of said first installment. If such first installment is not collected when payments fall due, vouchers therefor may be issued, payable out of the first installment when collected. Such vouchers shall bear no interest and shall be paid from said installment when collected. [As amended by act approved and in force May 9, 1901. L. 1901, p. 116; § 594, ch. 24, R. S.]

664. PAYMENT OF ASSESSMENT IN BONDS.] § 89. Any property owner may pay his assessment, wholly or in part, with the bonds or vouchers issued under this act on account of such assessment, applying, however, the bonds and vouchers of each series only to the payment of the installments to which they relate. In making such payments, such vouchers and bonds shall be taken at their par value and interest accrued to the date of making such payment. All vouchers and bonds received in payment of such assessment shall be canceled by the officer receiving the same, as of the date of their receipt, and deposited with the treasurer of the said town or village issuing the same. [§ 595, ch. 24, R. S.]

665. NO CLAIMS EXCEPT AGAINST THE ASSESSMENT.] § 90. No persons or persons accepting the vouchers or bonds as provided herein shall have any claim or lien upon the city, town or village in any event for the payment of such vouchers or bonds or the interest thereon, except from the collections of the assessment against which said vouchers or bonds are issued, but the municipality shall not, nevertheless, be in any way liable to the holders of said vouchers or bonds in case of failure to collect the same, but shall, with all reasonable diligence, so far as it can legally do so, cause a valid special assessment or assessments, special tax or taxes, as the case may be, to be levied and collected, to pay said bonds and vouchers, until all bonds and vouchers shall be fully paid. Any holder of vouchers or bonds, or their assigns, shall be entitled to summary relief by way of mandamus or injunction to enforce the provisions hereof. [As amended by act approved and in force May 9, 1901; L. 1901, p. 116; § 596, ch. 24, R. S.]

666. PAYMENTS AS WORK PROGRESSES.] § 91. From time to time, as the work under any contract for such improvement progresses, upon certificates by the said board of local improvements, or by some officer designated by such board for that purpose, payments may be made either in money, vouchers or bonds, as herein provided, to apply upon said contract price, reserving, however, a sufficient amount upon each of said payments to properly secure, in the judgment of said board, the faithful performance of the said contract, said reserve to be paid over at such time and on such conditions as the board shall fix, after the said work has been completed or accepted. [§ 597, ch. 24, R. S.]

667. INTEREST ON BONDS—HOW TO BE PAID.] § 92. The board of local improvements, before the crediting of the excess as provided for in section 84, as herein amended, shall determine an estimated amount deemed as sufficient to make up any probable deficiency of interest, by which from any cause, collections of interest may prove insufficient to meet the interest to be paid on said bonds until they mature as hereinbefore provided. Said estimate shall be deducted out of said installments as an item of expense before crediting rebates of excess as herein directed and shall be used for no other purpose than to make up such deficiency until the bonds are fully paid, both principal and interest. [As amended by act approved and in force May 9, 1901; L. 1901, p. 117; § 598, ch. 24, R. S.]

668. REBATES DECLARED AND PAID.] § 93. If, upon final settlement with the contractor for any improvement and full payment of all vouchers or bonds, issued on account of such contract, there shall be any surplus remaining in such special assessment or special tax above the payments aforesaid, and above the amount necessary for the payment of interest on such vouchers or bonds as above provided, it shall be duty of the proper authorities of such city, incorporated town or village to at once cause a rebate to be declared upon each lot, block, tract or parcel of land assessed of its *pro rata* proportion of such surplus. The board of local improvements shall cause to be kept and exhibited publicly in its office, an index of all warrants upon which rebates are due and payable, and upon proper proofs, the same shall be repaid to the person entitled thereto. [As amended by act approved and in force May 9, 1901; L. 1901, p. 117; § 599, ch. 24, R. S.]

669. EXPENSES, COSTS, ETC., HOW TO BE PAID.] § 94. The cost and expenses of maintaining the board of local improvements herein authorized, of paying the salaries of the members of said board, and the the expense of making and levying special assessments or special taxes and of letting and executing contracts; and also the entire cost and expense attending the making and return of the assessment rolls and the necessary estimates, examinations, advertisements, etc., etc., connected with the proceedings herein provided for, including the court costs, including the fees to commissioners in condemnation proceedings, which are to be taxed as above provided, shall be paid by the city, village or town out of its general fund: *Provided, however,* that in cities, towns or villages of this State having a population of less than 100,000 by the last preceding census of the United States, or of this State, the city, village or town, as the case may be, may, in and by the ordinance providing for the assessment prescribed, provide that a certain sum, not to exceed 6 per centum of the amount of such assessment, shall be applied toward the payment of the aforesaid, and other costs of making and collecting such assessment. [As amended by act approved and in force May 9, 1901; L. 1901, p. 117; § 600, ch. 24, R. S.]

670. APPEALS.] § 95. Appeals from final judgments or orders of any court made in the proceedings provided for by this act, may be taken to the Supreme Court of this State, in the manner provided by law, by any of the owners or parties interested in lands taken, damaged or assessed therein, and the court may allow such an appeal to be taken jointly, and upon a joint bond, or severally, and upon several bonds, as may be specified in the order allowing the same. [§ 601, ch. 24, R. S.]

671. WRITS OF ERROR.] § 96. Writs of error from the Supreme Court of this State may issue upon any such judgment on the application of owners or parties interested in the property affected thereby, as shown by the record, at any time after the disposition of the last remaining objections to the confirmation, if any, and prior to the first day of June following the entry of such judgment: *Provided,* that if the warrant for collection as to any parcel be not returned delinquent in any year before April first, a writ of error as to such

parcel may be sued out at any time before June first in the year in which the same is so returned or certified: *And, provided, further*, that in every case there shall be filed with the clerk of the Supreme Court, with the application for such writ, an affidavit by the plaintiff in error or his agent setting forth the time when such warrant, as to such property, was returned delinquent or so certified; and further setting forth that the person to whom such notice of the filing of assessment roll as to such property, as shown by the record, did not receive the same, or otherwise learn of the pendency of the proceedings for the confirmation of said assessment until less than ten days before the entry of default against his said property in the court below. [As amended by act approved and in force May 9, 1901; L. 1901, p. 117; § 602, ch. 24, R. S.]

672. ADOPTION OF THIS ACT BY OTHER MUNICIPALITIES.] § 97. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this act, and where it shall have so adopted this act, it shall have the right to take all the proceedings herein provided for, and have the benefit of all the provisions hereof. [§ 603, ch. 24, R. S.]

673. USE OF THE PROVISIONS OF THIS ACT BY OTHER CORPORATE AUTHORITIES.] § 98. Wherever authority of law now exists in corporate authorities in this State to levy special assessments or special taxes for local improvements, and for that purpose to use the proceedings or methods provided by Article 9 of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, such corporate authorities are hereby authorized to make use of the provisions of this act for such purpose, with the same effect and to the same extent as heretofore authorized to use the provisions of said Article 9; and any such corporate authorities as may be hereafter authorized by law to levy such special assessments or special taxes, may, whether otherwise expressly authorized thereto or not, make use of the provisions of this act in like manner.

If, in any such case, a board of local improvements, as required in this act, does not exist, such corporate authorities shall take such steps for a public hearing, on the subject of the proposed improvement or improvements, to be paid for by special assessment or special taxation, as are herein required of the board of local improvements, and shall act as such board in the manner herein provided, as nearly as may be, both in originating such improvements and in executing such work and making payment therefor. [§ 604, ch. 24, R. S.]

674. REPEAL OF CONFLICTING ACTS—PENDING CASES—RESERVATIONS.] § 99. All acts, and parts of acts, in conflict with this act, are hereby repealed.

Provided, that the laws subsisting at the time of the taking effect of the local improvement act of June 14, 1897, shall continue to apply to all proceedings for the condemnation of lands, or the confirmation of special assessments or special taxes for local improvements, which were pending in any court in this State at the time of the tak-

ing effect of the local improvement act of June 14, 1897, and to all proceedings for the collection of any deficiency under past levies already made under any laws existing at the time of the taking effect of the local improvement act of June 14, 1897; and also to all proceedings for new assessments made in lieu of others annulled before the act concerning local improvements of June 14, 1897, took effect, by order of some court. When any installment of an assessment confirmed under prior acts shall mature, proceedings to return the same delinquent, and to collect the same shall conform to the provisions of this act.

Where proceedings for local improvements to be made by special tax or special assessment, shall have been instituted, when this act shall take effect, and where the assessment provided for therein has not been confirmed by any court, all future proceedings thereunder shall be as herein provided, with the same effect as if such proceedings had been commenced in accordance with the provisions herein provided: *Provided*, that nothing in this act shall be construed to repeal an act entitled, "An act to provide additional means for the construction of sidewalks in cities, towns and villages," approved April 15, 1875, in force July 1, 1875.

Provided also, that nothing in this act contained shall be held or construed to be a repeal of any of the laws of the State of Illinois, relating to civil service, and that nothing in this act contained shall be held or construed to be a repeal or modification of any of the rules of the civil service commission of the city of Chicago adopted pursuant to the civil service laws of the State of Illinois. [As amended by act approved and in force May 9, 1901. L. 1901, p. 118; § 605, ch. 24, R. S.]

CONSTRUCTION OF SIDEWALKS BY SPECIAL ASSESSMENT.

AN ACT to provide additional means for the construction of sidewalks in cities, towns and villages. [Approved April 15, 1875. In force July 1, 1875. Laws 1875, p. 63.]

675. SIDEWALKS BY TAXATION.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in addition to the mode now authorized by law, any city or incorporated town or village may, by ordinance, provide for the construction of sidewalks therein, or along or upon any street or part of street therein, and may, by such ordinance, provide for the payment of the whole or any part of the cost thereof by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk shall be ordered, and such special taxation may be either by a levy upon any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata* upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of State and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalks, or in proportion to their su-

perificial area, as may be provided by ordinance ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town or village, raised by general taxation upon the property thereof, and not otherwise appropriated. [§ 291, ch. 24, R. S.]

676. WHAT ORDINANCE MAY PROVIDE.] § 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide that the materials and construction shall be under the supervision of, and subject to, the approval of some officer or board of officers of such city, town, or village, to be designated in said ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town, or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk to construct a sidewalk in front of their respective lots or parcels in accordance with the specifications of said ordinance, within 30 days after such publication, and in default thereof, said materials to be furnished and sidewalk constructed by said city, town, or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided. [§ 292, ch. 24, R. S.]

677. IN CASE OWNER NEGLECTS TO CONSTRUCT.] § 3. In case of the default of any lot owner or owners to construct the sidewalks, as required by ordinance, and the same shall be constructed by the city, town, or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default by an action of debt in the name of the city, town, or village, against such owners respectively, in any court of competent jurisdiction, or upon the completion of the work by such city, town, or village. Such ordinance may provide that a bill of the cost of such sidewalk, showing in separate items the cost of grading, materials, laying down, and supervision, shall be filed in the office of the clerk of such city, town, or village, certified to by the officer or board designated by said ordinance to take charge of the construction of said sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said costs by frontage, superficial area, or assessed value; whereupon said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax list shall be filed in the office of said clerk; and said clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from

said special tax list to be due from the respective owners of the lots or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the clerk of such city, town or village, within 60 days from the date of their issue; and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceedings by garnishment may be resorted to, as in cases of garnishment in aid of the collection of judgments at law, and all moneys so collected and paid over to said clerk shall be, by him, immediately paid over to the treasurer of said city, town or village. [§ 293, ch. 24, R. S.]

678. SPECIAL TAX—DUTY OF CLERK—REPORT.] § 4. Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as such ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due county or State, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax, as mentioned in said report, is due and unpaid. [§ 294, ch. 24, R. S.]

679. GENERAL OFFICER TO OBTAIN JUDGMENT—BY WHAT LAWS GOVERNED.] § 5. When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid to the county and State, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of State, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided. [§ 295, ch. 24, R. S.]

680. WHEN CONSTRUCTED BY OWNER MAY OBTAIN ORDER.] § 5. Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of any general fund of such city, town or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town or village an itemized statement of the cost of such sidewalk so constructed, by him verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the council of such city, town or village shall thereupon, at its first meeting thereafter allow and order to be issued to such owner, an order on the treasurer of such city, town or village for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed. [§ 296, ch. 24, R. S.]

DELINQUENT TAXES AND ASSESSMENTS.

AN ACT in relation to the collection of taxes and special assessments. [Approved and in force May 2, 1873.]

WHEREAS certain requirements of the general revenue laws of this State, relating to the mode of advertising the list of delinquent taxes and special assessments, to making application for judgment thereon, and the manner of making the tax sale, are impracticable; and whereas, it is desirable to remove existing defects as to the manner of collecting taxes and special assessments; therefore,

681. WHEN DESCRIPTION IN SPECIAL ASSESSMENT DIFFERENT FROM TAX BOOK.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* When a return to the county collector has been made or shall hereafter be made of any real estate delinquent for any special assessment, or annual installment thereof, levied by any incorporated city, town or village, or by any corporate authorities, commissioners or persons, pursuant to law, which assessment or installment thereof is required by law to be included in the advertisement and notice of application for judgment for State and county taxes, and the description or subdivision of any real estate described in such return is different from the description or subdivision thereof as described in the town or district collector's book returned to such county collector, it shall and may be lawful for the county collector to advertise all the real estate delinquent for any such assessment described in such return, according to the description thereof, as contained in such return; but such advertisement shall be made at the same time, and shall form part of his advertisement of real estate delinquent for State and county taxes. [§ 358, ch. 120, R. S.]

682. HOW DESCRIBED.] § 2. The said real estate, so advertised, may be described in the county collector's delinquent return, according to the description thereof, as contained in such return and ad-

vertisement; and like proceedings shall be had to the application for judgment and the judgment thereon, the sale and issuance or the certificate of the sale thereof, redemption from such sales and issuance of deeds thereon, as may be required by law to be had in regard to lands delinquent for State and county taxes. [§ 359, ch. 120, R. S.]

683. CITY, ETC., MAY BUY IN AT SALE.] § 3. Any incorporated city, town or village, or corporate authorities, commissioners, or persons interested in any such special assessment or installments thereof, may become purchaser at any sale, and may designate and appoint some officer or person to attend and bid at such sale on its behalf. [§ 360, ch. 120, R. S.]

684. EMERGENCY.] § 4. Whereas many special assessments are now in process of collection, whereby an emergency exists why this act shall take effect immediately; therefore, this act shall take effect and be in force from and after its passage. [§ 361, ch. 120, R. S.]

RETURN OF DELINQUENT SPECIAL ASSESSMENT.

685. TO COUNTY COLLECTOR—HIS DUTIES—TRANSFER OF AMOUNTS.] § 178. When any special assessment made by any city, town or village, pursuant to its charter, or by any corporate authorities, commissioners or persons, pursuant to law, remain unpaid in whole or in part, return thereof shall be made to the county collector on or before the tenth day of March next after the same shall have become payable, in like forms as returns are made for delinquent land tax. County collectors shall collect, account for, and pay over the same to the authorities or persons having authority to receive the same, in like manner as they are required to collect, account for and pay over taxes. The county collector may, upon return of delinquent special assessments to him, transfer the amounts thereof from such returns to the tax books in his hands, setting down therein, opposite the respective tracts, or lots, in proper columns to be prepared for that purpose, the amounts assessed against such tract or lot. [As amended by act approved May 3, 1873; § 178, ch. 120, R. S.]

SPECIAL ASSESSMENTS PAYABLE IN INSTALLMENTS.

AN ACT concerning the apportionment of special assessments payable in installments
[Approved April 13, 1875, in force July 1, 1875. L. 1875, p. 96.]

686. APPORTIONMENT OF SPECIAL ASSESSMENTS PAYABLE IN INSTALLMENTS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where any special assessment, payable in installments, has been, or hereafter shall be made by any corporate authority, for supplying water, or other corporate purpose, and the owner or owners of any lot, block or parcel of land so assessed, or some of them, shall desire to subdivide the same, and to apportion such assessment and the several installments thereof in such manner that each parcel of such proposed subdivision shall bear its just and equitable proportion thereof, the same may be done in the manner following, to-wit: The owner or owners of such lot, block or parcel of land shall present to such corporate authority a petition, setting forth:

1. The descriptive character of the assessment and the date of the confirmation of the same.

2. The names of the owners.

3. A description of the land proposed to be subdivided, together with the amount of each installment thereon, and the year or years for which the same are due.

4. A plat showing the proposed subdivision.

5. The proposed apportionment of the amount of each installment on each lot or parcel according to such proposed subdivision. Such petition shall be acknowledged in the manner provided for the acknowledgment of deeds, and if such corporate authority shall be satisfied therewith, they shall cause to be indorsed upon or attached to such petition their approval by their clerk or secretary, under their corporate seal, and the same, so approved, shall be filed and recorded in the office of the county clerk in which such land shall be situate, and such apportioned assessment shall stand in place of the original assessment, and the same and the several installments thereof shall be deemed duly apportioned, and the several amounts so apportioned shall be liens upon the several parcels charged, respectively; and for the purpose of collecting the same all proceedings shall be had and taken as if said assessment and installments had been made and apportioned in the first instance according to such apportioned description and amounts, and the respective owners shall be held to have waived every and all objections to such assessment and the apportionment aforesaid: *Provided*, this act shall not apply to any lot, block or parcel of land on which there shall remain due and unpaid any installment. In case the owners are unable to agree as to such apportionment, or any of them are under legal disability, one or more of them may file a petition with the circuit court of the county in which such land so assessed is situate, substantially in form as hereinbefore provided; and in such case such corporate authority, together with all owners or persons interested, not joined as petitioners and unknown owners, if any, shall be made parties defendant, and all proceedings in relation thereto shall be had as in cases in chancery. The court may hear and determine the case according to the right of the matter. A copy of the record of the proceedings of the court in the premises in case of an apportionment, duly certified, shall be filed and recorded in the office of such county clerk, and the same shall thereupon, as to the land therein embraced, the owners thereof, the apportionment aforesaid, and the collection of the several amounts apportioned, have the same force and effect as is heretofore provided in cases where such corporate authorities shall approve of a petition and file and record the same. [§ 362, ch. 120, R. S.]

**DRAINAGE—ACTS CONCERNING DRAINS, LEVEES, SEWERS, ETC.,
WITHIN MUNICIPALITIES. [PARAGRAPHS 687-747.]**

MUNICIPALITIES MAY CONSTRUCT DRAINS, ETC.

AN ACT to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes and pumping works for drainage purposes by special assessment upon the property benefited thereby. [Approved June 23, 1886; in force July 1, 1886; L. 1886, p. 60.]

687. CITIES AND VILLAGES EMPOWERED TO CONSTRUCT DRAINS, ETC.]

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the corporate authorities of cities and villages are hereby vested with power to construct drains, ditches, levees and dykes, to erect pumping works, and to acquire the necessary land and machinery for such purposes, and otherwise to provide for draining any portion of the land within their corporate limits, by special assessment upon the property benefited thereby. [§ 334, ch. 24, R. S.]

688. DRAINAGE IMPROVEMENTS BY SPECIAL ASSESSMENTS.] § 2.

That the corporate authorities of cities and villages are hereby vested with the power to maintain and keep in repair such drains, ditches, levees, dykes, pumping works and machinery and such drainage improvement by special assessment upon the property benefited thereby: *Provided*, that no lot, block, tract or parcel of land shall be assessed more than once in any one year for such maintenance and repair. [§ 335, ch. 24, R. S.]

689. PROCEEDINGS IN.] § 3.

All the proceedings for the making of the improvements in this act mentioned, and for the maintenance and repair thereof, and for the levy and collection of the special assessments to defray the cost of the same, shall be in accordance with the provisions of article 9 of the general act for the incorporation of cities and villages, approved April 10, 1872. [§ 336, ch. 24, R. S.]

JOINT SEWERAGE BY CONTIGUOUS MUNICIPALITIES.

AN ACT to enable cities, towns and villages to contract with each other for sewerage. [Approved May 14, 1879; in force July 1, 1879; L. 1879, p. 75.]

690. MAY CONTRACT FOR SEWERAGE, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city, or incorporated town or village, shall be adjacent or contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other upon such terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other, and further that any such sewer or drain or system of sewerage or drainage constructed or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities. [§ 323, ch. 24, R. S.]

691. HOW CONTRACT MADE.] § 2. The contract contemplated in section 1 of this act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city, or incorporated town or village proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract, and every such contract, when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding. [§ 324, ch. 24, R. S.]

OUTLET SEWERS, RESERVOIRS, ETC.

AN ACT to authorize cities of 100,000 population and under to construct outlet sewers, reservoirs, pumping works and machinery, and maintain and keep in repair the same, the cost thereof to be defrayed by special assessment or special taxation, and if the assessment is paid in installments, to issue bonds to anticipate the deferred installments. [Approved April 24, 1899. L. 1899, p. 96.]

692. COST OF OUTLET SEWERS MAY BE BORNE BY SPECIAL ASSESSMENT OR BY SPECIAL TAXATION.] § 2. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in all cities in this State, of a population of 100,000 or under, which have a sewerage system, but have no adequate outlet therefor, or no proper disposition of the sewage thereof, without constructing an outlet sewer through an unimproved portion of such cities, and thence through lands beyond the limits of such cities, the corporate authorities thereof are hereby vested with power to construct an outlet sewer wholly within, or partially within and partially without said cities, into which the sewers throughout said cities are to empty, and through which they are to discharge their sewage for proper disposition and sanitary benefits, and to construct reservoirs, erect pumping works and machinery, within or without said cities, and to acquire the necessary land and machinery for such purposes, and otherwise provide for discharging the sewage of such cities into channels that will promote the health and improve the sanitary condition of, and accomplish the purpose of an outlet sewer for such cities, the cost of which shall be borne by special assessment, or by special taxation, upon the property in those portions of said cities the sewers in which are to ultimately find their outlet through said hereby authorized outlet sewer. [§ 606, ch. 24, R. S.]

693. COST OF REPAIRING OUTLET SEWERS MAY BE BORNE BY SPECIAL ASSESSMENT OR BY SPECIAL TAXATION.] § 2. That the corporate authorities of such cities, as are designated in section one of this act, are hereby vested with the power to maintain and keep in repair such outlet sewers, reservoirs, pumping works and machinery as are provided for in said section one, the cost of which shall be borne by special assessment, or by special taxation, upon the property as described also in said section one of this act: *Provided*, that no lot, block, tract or parcel of land shall be assessed more than once in any one year for such maintenance and repair. [§ 607, ch. 24, R. S.]

694. MAY ACQUIRE REAL AND PERSONAL PROPERTY NECESSARY FOR RIGHT OF WAY AND EASEMENTS, ETC.] § 3. That the corporate authorities of such cities as are designated in section one of this act shall have power to acquire by purchase, gift, condemnation or otherwise all the real and personal property, rights-of-way and easements within or without said cities necessary for the construction and maintenance of the outlet sewers and works authorized by this act, and shall have the same control and jurisdiction of the property without as of that within said cities. [§ 608, ch. 24, R. S.]

695. ORDINANCE TO PRESCRIBE WHETHER THE SAME SHALL BE MADE BY SPECIAL ASSESSMENT OR SPECIAL TAXATION.] § 4. When the local authorities of such cities, as designated in section one of this act, shall determine to construct an outlet, sewer, etc., hereinbefore provided for, they shall do so by ordinance, in which shall be prescribed whether the same shall be made by special assessment or special taxation. In the same ordinance shall be prescribed the nature, character, locality and description of said outlet sewer improvement, either by setting forth the same in the ordinance itself or by reference to maps, plats, plans, profiles and specifications thereof on file in the office of the city clerk, or by both. The said ordinance shall also prescribe by reasonably well understood boundaries those portions of the city the sewage of which is to be conducted, by sewers already laid, or those contemplated to be laid, into and through the herein provided outlet sewer, and the property within such boundaries shall be assessable for the cost of the said outlet sewer improvement. If property is to be taken or damaged for said improvement, such ordinance shall prescribe the same with reasonable certainty. [§ 609, ch. 24, R. S.]

696. WHEN CITY COUNCIL MAY ORDER PETITION TO BE FILED.] § 5. The city council shall appoint three of its members, or any other three competent persons who shall make an estimate of the cost of the outlet sewer improvement contemplated by such ordinance, including reservoirs, pumping works and machinery, damages, necessary lands, labor, materials, engineering and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said city council. On such report being made and approved by the city council, the council may order a petition to be filed, by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act. [§ 610, ch. 24, R. S.]

697. FORM OF PETITION.] § 6. The petition to court shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement, and report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law. Upon the filing of such petition, the court shall appoint three competent persons as commissioners who shall take and subscribe to an oath, in substance as follows, to-wit:

STATE OF ILLINOIS, } ss.
County. }

We, the undersigned, Commissioners appointed by the County Court of County, to assess the cost of a sewer outlet improvement in the city of do solemnly swear (or affirm as the case may be) that we will, a true and impartial assessment make of the cost of said improvement upon the property assessable for the same, to the best of our ability and according to law.

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It shall be the duty of such commissioners to examine the portions of the city that said outlet sewer improvement is contemplated to accommodate and serve, and if the cost thereof is to be paid by special assessment, then to apportion and assess said cost upon the property, in said portion of the city to be served by said outlet sewer improvement, by the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by said outlet sewer improvement; if the cost is to be paid by special taxation, then the said commissioners shall apportion and assess said cost upon the said property, in said portion of the city to be served by said outlet sewer improvement, by the several lots, blocks, tracts and parcels of land according to their assessed valuation, superficial area, or frontage on the streets, as may be prescribed in said ordinance. [§ 611, ch. 24, R. S.]

698. SUBSEQUENT PROCEEDING.] § 7. All the additional and further proceedings and steps necessary to the making of an assessment roll, the return of same to court, notices to parties assessed, newspaper publications, confirmation of assessment by court, delivery of roll to collector, collection of assessments, return of delinquent lists, application for judgments against delinquents, tax sales on delinquents, tax deeds, and all other and additional proceedings and steps necessary to be taken to make, levy, confirm and collect an assessment to pay the costs by special assessment or by special taxation of the outlet sewer improvement provided for in this act, as well as proceedings for condemnation of lands and the manner of awarding contracts, doing and superintending the work, paying the contractor therefor, etc., shall be in accordance with the provisions of an act of the General Assembly of the State of Illinois, entitled, "An act concerning local improvements," approved June 14, 1897, in force July 1, 1897, and all of the provisions of said act not inconsistent with any of the provisions of this one, which are applicable to the purpose herein sought, are hereby made an aid to this act and available hereto. [§ 612, ch. 24, R. S.]

699. PROCEEDINGS FOR ASSESSING AND COLLECTING THE COSTS, ETC.] § 8. The proceedings for assessing and collecting the cost of maintaining and keeping in repair said outlet sewer, reservoirs, pumping works and machinery, designated in section 2 of this act, shall be the same, as far as practicable and applicable, as those for assessing and collecting the cost of constructing the same. [§ 613, ch. 24, R. S.]

700. WHAT IT SHALL BE LAWFUL TO PROVIDE BY THE ORDINANCE AUTHORIZING OUTLET SEWER.] § 9. It shall be lawful to provide by the ordinance authorizing the outlet sewer improvement provided for

in this act, or by ordinance passed at any time before the confirmation of the assessment roll, that the aggregate amount assessed against property, and also each individual assessment, be divided into installments, not more than twenty (20) in number. In all cases such division shall be so made that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment, so as to leave the remaining installments of the aggregate equal in amount, and each a multiple of \$100. The first installment shall be due and payable on the second day of January next after confirmation of the assessment, and the second installment one year thereafter, and so on annually until all are paid. All installments, except the first one, shall bear interest from and after the date of confirmation until paid, at a rate not exceeding six (6) per centum per annum, to be fixed by the ordinance. The interest on each installment, except the first, shall be payable as follows: On the second day of January next succeeding the date of confirmation, the interest accrued up to that time on all unpaid installments shall be due and payable and be collected with the installment, and thereafter the interest on all unpaid installments, then payable, shall be payable annually, and be due and payable at the same time as the installments maturing in such year, and be collected therewith. In all cases it shall be the duty of the municipal collector as the case may be, whenever payment is made of any installment, to collect interest thereon up to the date of such payment whether such payment be made at or after maturity. Any person may pay the whole assessment against any lot, piece or parcel of land, or any installment thereof, with interest up to the date of payment, at any time before the bonds hereinafter mentioned are issued, but after said bonds are issued, payment shall not be received of any installment before its maturity, unless interest thereon up to the second day of the succeeding January is also paid at the same time. [§ 614, ch. 24, R. S.

701. MAY ISSUE BONDS AND RETIRE THE SAME.] § 10. For the purpose of anticipating the collection of the second and succeeding installments provided for in this act, it shall be lawful for such cities, as aforesaid, to issue bonds, and retire the same, in accordance with the provisions and regulations of "An act of the General Assembly of the State of Illinois, entitled, 'An act concerning local improvements,'" approved June 14, 1897, in force July 1, 1897. [§ 615, ch. 24, R. S.

IMPROVEMENT DISTRICTS IN MUNICIPALITIES SUBJECT TO OVERFLOW.

AN ACT to divide cities and villages subject to overflow and inundation into improvement districts, and to provide ways and means to raise the streets, lots and blocks above the line of overflow. [Approved and in force May 29, 1898. L. 1893, p. 60.]

702. IMPROVEMENT DISTRICTS—GRADE—SPECIAL ASSESSMENTS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Any city or village of this State incorporated under the general law for the incorporation of cities and villages, or under any special charter, the site of which is wholly or partially subject to overflow, and which site is or may be surrounded in whole or in part by levees, dykes or embankments to prevent overflow, may lay off such city or village, or any part thereof

into what shall be known or called improvement districts, and may fix the grade of the streets, avenues, alleys or public grounds within such improvement district or districts, at a height above the natural surface of the earth to correspond with the height of the levees, dykes or embankments surrounding or partially surrounding such city or village, or above, if deemed necessary, in such manner and to such height as will give a surface drainage from such improvement district to the river or rivers which cause such overflow, and may require low lots, blocks or parts of blocks or lots, within such improvement district, to be filled in such manner as to prevent water from standing thereon, and so as to prevent the same from becoming a nuisance or injurious to the public health, in the judgment of the corporate authorities of such city or village. The work hereby authorized shall be done by special assessment or special taxation, and all the power in relation to special assessments or special taxation heretofore granted to any city or village in this State, or to any drainage or improvement district in this State, is hereby granted to such cities and villages under this act. [§ 325, ch. 24, R. S.]

703. CORPORATE AUTHORITIES — DUTY OF—SURVEY—COSTS OF WORK.] § 2. When any such improvement district shall be created by ordinance under this act, it shall be the duty of the corporate authorities to cause an accurate survey of the work contemplated to be done or made, to be made by a competent civil engineer, and cause plats, profiles and estimates of the work to be done, including the cost of all walls or other structures necessary to be built or constructed to hold the earth to its proper place, and the cost of the work opposite to, or adjacent to each lot in such district and the cost of the fill upon each and every lot within such district necessary to be filled to be used in estimating the benefits to be charged against the lot or block, or parts thereof, within such improvement district; and in estimating such benefits it shall be proper to take into consideration the benefit any such lot, block or parts thereof will receive by reason of being secured from overflow, or pipe water. [§ 326, ch. 24, R. S.]

704. IMPROVEMENT DISTRICT MAY ISSUE BONDS—STYLE AND MANNER OF PROCEEDING.] § 3. When any such improvement district or districts has or have been laid out and defined by any such city or village, and the cost of the improvement estimated and ascertained by a competent engineer, and the benefits to the lots, blocks or parts thereof have been assessed, then such city or village may cause a series of bonds to be issued, sufficient to pay the special assessments, or special tax, so ascertained for such district, and which bonds when so issued and endorsed as hereinafter provided for, shall be a lien upon the lots, blocks or parts thereof which shall be designated in such bond or bonds, such bond or bonds, to bear interest at a rate not exceeding 6 per cent, and may run for any term not exceeding 20 years, the style of the bond to be fixed and designated by ordinance; but before any bond shall issue, or be put in circulation, the owner or owners of any such lot or lots to be charged with such

special assessment or assessments, or special tax, shall endorse upon the back of such bond or bonds, his or her consent thereto, in words in substance as follows:

I hereby endorse the within bond, and consent that the lot or lots, or parts thereof therein designated, shall become liable for the interest and principal therein named, and the same shall be a lien upon said property from this date until paid off and discharged.

This day of 188... [SEAL.]

Said bond when prepared and executed by such city or village, and endorsed by the owner or owners of the property to be charged with the special assessment or special tax, shall be recorded in the recorder's office of the county in which such city or village is located, and when so recorded such record shall be notice of the lien thereby created, to the same extent that records of mortgages are notices of the mortgage lien, and shall have the same force and effect. No coupon need be recorded; the face of the bond and endorsement shall be sufficient. [§ 327, ch. 24, R. S.]

705. INTEREST AND PRINCIPAL OF SUCH BONDS—HOW TO BE PAID.]

§ 4. It shall be the duty of any city or village, issuing bonds under this act, to provide by ordinance for the collection of the interest and principal of such bonds from the property so charged with the special assessment or special tax, and shall be placed upon the tax books in the same manner that special assessments or special taxes now are, for collection, and shall be treated in the same manner, and have the same effect as special assessments or special tax now have under the statute—and such city or village shall not be liable for the interest or principal of any such bond or bonds, out of any fund except the special fund of the improvement district, to which the bond or bonds apply, and for the faithful enforcement of the ordinances providing for the collection of the interest and principal thereof. [§ 328, ch. 24, R. S.]

706. WHEN RAILROAD COMPANY TO PAY A PORTION OF THE WORK.]

§ 5. If any steam or horse railroad shall be located upon, or across any street in any such improvement district, then, in estimating the cost of the work, such railroad shall be charged with the fill upon such street or crossing in the proportion or amount that it would require or cost such railroad to make an independent embankment of the same height to receive its track or tracks upon such street or crossing: *Provided*, that any such railroad shall have the same right to build its embankment, or make its proportion of the improvement as is allowed to individuals. If any such steam or horse railroad shall fail, or refuse to comply with the ordinances of any such city or village, in this regard the track or tracks of any such delinquent railroad shall be taken and deemed to be a nuisance, and all rights of any such railroad upon any such street or crossing shall be forfeited, and the rails and ties removed as the work progresses. [§ 329, ch. 24, R. S.]

707. WHEN PROPERTY BELONGS TO MINORS.]

§ 6. If any property within any improvement district created under this act, shall belong to minor heirs, idiots, lunatics, or any person otherwise incapacitated to contract, the guardian, conservator or other person in charge

of any such estate, may apply to the circuit court of the county in which such city or village is located, by petition, for leave to endorse such bond or bonds, and when endorsed by order of the court, such endorsement shall have full force and effect in law. [§ 330, ch. 24, R. S.]

708. HOW POWERS GRANTED, EXERCISED AND CONSTRUED.] § 7. All the powers hereby granted to the corporate authorities of such cities and villages, may be put into full force and effect by proper ordinances, and the powers hereby granted shall be liberally construed by all courts in this State in order that full force and effect shall be given to this act. [§ 331, ch. 24, R. S.]

709. RIGHTS OF THE HOLDERS OF SUCH BONDS.] § 8. The owner or holder of any such bond may, in addition to the powers hereby given to the cities or villages, under this act, to collect the interest and principal, have his or her personal remedy in any court upon the endorser upon his endorsement, for failure to pay interest or principal, and in case of two successive failures by any person liable to pay the interest on any such bond, such bond shall be held to be due, and the holder may enforce his lien for interest and principal by foreclosure in any court of this State of competent jurisdiction. [§ 332, ch. 24, R. S.]

710. EMERGENCY.] § 9. Whereas there are cities and villages in this State that are subject to overflow, and have suffered severely by the recent floods and inundations, and the best time for successful work in filling is in the spring months, therefore an emergency exists, and this act shall take effect and be in force from and after its passage. [§ 333, ch. 24, R. S.]

CHICAGO DRAINAGE DISTRICT.

AN ACT to organize the city of Chicago into a drainage district and to define the powers and duties of the corporate authorities thereof. [Approved June 6, 1887. In force July 1, 1887. L. 1887, p. 126.]

711. ORGANIZED INTO A DRAINAGE DISTRICT—CORPORATE AUTHORITIES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city of Chicago is hereby organized into a drainage district, and the corporate authorities of such city may exercise the powers conferred by an act entitled "An act to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes and pumping works for drainage purposes, by special assessment upon the property benefited thereby," approved June 22, 1885, and are hereby vested with the further powers hereinafter granted. [§ 337, ch. 24, R. S.]

712. POWER OF CORPORATE AUTHORITIES—LOCATION OF CUT-OFF.] § 2. Such corporate authorities may lay out, construct and maintain a cut-off drain or ditch for the diversion of the flood waters of the Desplaines river into Lake Michigan at some point north of the city of Chicago, for the relief and in aid of the drainage system established or to be established within said district, the location and route, dimensions and capacity of such cut-off to be determined by said cor-

porate authorities. If the location of such cut-off shall occupy a portion of the north branch of the Chicago river, said north branch may be widened and deepened as shall be required. Such cut-off or diversion may be so constructed and maintained as to answer the purpose of a drain for the lands through which it shall pass, and such corporate authorities may allow said lands to be drained into the same upon such terms and conditions as they may determine: *Provided*, such corporate authorities shall not be allowed to interfere with any right of drainage which the owners of land have or would have, if such cut-off had not been made. [§ 338, ch. 24, R. S.]

713. DESPLAINES RIVER—DIVERSION OF WATER.] § 3. No more of the water of the Desplaines river shall be diverted by any such cut-off than the excess above the ordinary water mark in said stream. At the point of diversion there shall be constructed and maintained such dams and sluices as shall control and regulate the amount of such diversion at all times. During dry weather no water shall be diverted into Lake Michigan and during floods no more water shall be allowed to pass said point of diversion down the river than three thousand (3,000) cubic feet per second. [§ 339, ch. 24, R. S.]

714. MAY CONSTRUCT DAM ACROSS MUD LAKE.] § 4. Such corporate authorities may construct and maintain, if the same shall be found desirable and expedient, a dam across what is known as the Mud Lake Valley on or near the west line of sections 6 and 7, township 38 north, range 13, east of the third principal meridian, of such dimensions and elevation as may be determined upon. [§ 340, ch. 24, R. S.]

715. POWER OF SUCH CORPORATE AUTHORITIES.] § 5. Such corporate authorities may acquire by purchase, gift, condemnation or otherwise all the real and personal property, rights of way and easements within or without the district necessary for the construction and maintenance of the works hereby authorized, and shall have the same control and jurisdiction of the property without as of that within the district. They shall have the right to construct the cut-off herein authorized, across, under, over, along, or upon any water course, street, highway, public ground, railroad or turnpike which the route of the same may intersect or touch; but shall not interrupt the use thereof longer nor to a greater extent than shall be necessary for the purpose. [§ 341, ch. 24, R. S.]

716. CONDEMNATION OF PROPERTY.] § 6. Whenever it shall be necessary to take or damage private property, for any purpose contemplated by this act, whether within or without said drainage district, the compensation therefor may be ascertained and the proceedings for the condemnation thereof may be had in the manner provided in article 9 of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and the cost of constructing and maintaining the improvements herein provided for may be defrayed by special assessment upon the property benefited thereby within such district only. Said assessments to be levied and collected as provided in said article 9. [§ 342, ch. 24, R. S.]

TO CREATE SANITARY DISTRICTS.

AN ACT to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers. [Approved May 29, 1889; in force July 1, 1889; L. 1889, p. 126.]

717. INCORPORATING SANITARY DISTRICT—QUESTION, HOW SUBMITTED—COMMISSIONERS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any area of contiguous territory within the limits of a single county shall contain two or more incorporated cities, towns or villages, and shall be so situated that the maintenance of a common outlet for the drainage thereof will conduce to the preservation of the public health, the same may be incorporated as a sanitary district under this act, in the manner following: Any 5,000 legal voters resident within the limits of such proposed sanitary district may petition the county judge of the county in which they reside to cause the question to be submitted to the legal voters of such proposed district whether they will organize as a sanitary district under this act. Such petition shall be addressed to the county judge, and shall contain a definite description of the territory intended to be embraced in such district, and the name of such proposed sanitary district: *Provided, however,* that no territory shall be included in any municipal corporation formed hereunder which is not situated within the limits of a city, incorporated town or village, or within three miles thereof, and no territory shall be included within more than one sanitary district under this act. Upon the filing of such petition in the office of the county clerk of the county in which such territory is situated it shall be the duty of the county judge to call to his assistance two judges of the circuit court, and such judges shall constitute a board of commissioners which shall have power and authority to consider the boundaries of any such proposed sanitary district, whether the same shall be described in such petition or otherwise. Notice shall be given by such county judge of the time and place where such commissioners will meet, by a publication inserted in one or more daily papers published in such county, at least 20 days prior to such meeting. At such meeting the county judge shall preside, and all persons in such proposed sanitary district shall have an opportunity to be heard touching the location and boundary of such proposed district and make suggestions regarding the same, and such commissioners, after hearing statements, evidence and suggestions, shall fix and determine the limits and boundaries of such proposed district, and for that purpose and to that extent, may alter and amend such petition. After such determination by such commissioners, or a majority of them, the county judge shall submit to the legal voters of the proposed sanitary district the question of the organization and establishment of the proposed sanitary district, as determined by said commissioners, at an election to be held on the first Tuesday after the first Monday in November thence next ensuing, notice whereof shall be given by said commissioners, at least 20 days prior thereto, by publication in one or more daily papers published within such proposed sanitary district, such notice to specify briefly the purpose of such election, with a description of such proposed district. Each legal voter resident within such proposed sanitary district shall have

the right to cast a ballot at such election, with the words thereon, "For Sanitary District," or, "Against Sanitary District." The ballots so cast shall be received, returned and canvassed in the same manner and by the same officers as is provided by law in the case of ballots cast for county officers. The county judge shall cause a statement of the result of such election to be spread upon the records of the county court. If a majority of the votes cast upon the question of the incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed district shall thenceforth be deemed an organized sanitary district under this act. [§ 343, ch. 24, R. S.]

718. JUDICIAL NOTICE OF DISTRICT—ORGANIZATION—ELECTION—COUNTY JUDGE.] § 2. All courts in this State shall take judicial notice of the existence of all sanitary districts organized under this act. Upon the organization of any sanitary district under this act the county judge shall call an election to elect officers and cause notice thereof to be posted or published, and perform all other acts in reference to such election in like manner as nearly as may be, as he is required to perform in reference to the election of officers in newly organized cities under the provisions of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872. [§ 344, ch. 24, R. S.]

719. TRUSTEES—ELECTION AND TERMS OF.] § 3. In each sanitary district organized under this act, there shall be elected nine trustees who shall hold their offices for five years and until their successors are elected and qualified, except the term of office of the first trustees elected, shall be until five years after the first Monday in December after their election. The election of trustees, after the first, shall be on the Tuesday next after the first Monday in November in every fifth year. In all elections for trustees each qualified voter may vote for many as candidates as there are trustees to be elected, or he may distribute his vote among not less than five-ninths of the candidates to be elected, giving to each of the candidates among whom he distributes the same, the same number of votes or fractional parts of votes. The trustees shall choose one of their number president, and such sanitary district shall from the time of the first election held by it under this act be construed in law and equity a body corporate and politic and by the name and style of the sanitary district of, and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal and alter the same at pleasure. [§ 345, ch. 24, R. S.]

720. TRUSTEES CONSTITUTE A BOARD—DUTIES AND POWERS OF.] § 4. The trustees elected in pursuance of the foregoing provisions of this act shall constitute a board of trustees for the district by which they are elected, which board of trustees is hereby declared to be the corporate authorities of such sanitary district, and shall exercise all the powers and manage and control all the affairs and property of such district.

Said board of trustees shall have the right to elect a clerk, treasurer, chief engineer and attorney for such municipality, who shall hold their respective offices during the pleasure of the board, and who shall give such bond as may be required by said board. Said board may prescribe the duties and fix the compensation of all the officers and employes of said sanitary district: *Provided, however*, that the salary of the president of said board of trustees shall in no case exceed the sum of \$4,000 per annum: and the salary of the other members of said board shall not exceed \$3,000 per annum. *And provided further*, that the amount received by any attorney shall not exceed the sum of five thousand dollars (\$5,000) per annum. Said board of trustees shall have full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of said board of trustees and of said corporation, and for carrying into effect the objects for which such sanitary district is formed. [§ 346, ch. 24, R. S.]

721. ORDINANCES MAKING APPROPRIATION—PUBLICATION OF.] § 5. All ordinances making any appropriations, shall within one month after they are passed, be published at least once in a newspaper published in such district, or if no such newspaper of general circulation is published therein, by posting copies of the same in three public places in the district; and no such ordinance shall take effect until ten days after it is so published, and all other ordinances, orders and resolutions, shall take effect from and after their passage unless otherwise provided therein. [§ 347, ch. 24, R. S.]

722. ORDINANCES AND RESOLUTIONS—EVIDENCE.] § 6. All ordinances, orders and resolutions, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation, and when printed in book or pamphlet form, and purporting to be published by the board of trustees and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, orders and resolution, as of the dates mentioned in such book, or pamphlet in all courts and places without further proof. [§ 348, ch. 24, R. S.]

723. BOARD OF TRUSTEES—POWERS OF.] § 7. The board of trustees of any sanitary district organized under this act shall have power to provide for the drainage of such district by laying out, establishing, constructing and maintaining one or more main channels, drains, ditches and outlets for carrying off and disposing of the drainage (including the sewage) of such district, together with such adjuncts and additions thereto as may be necessary or proper to cause such channels or outlets to accomplish the end for which they are designed in a satisfactory manner; also to make and establish docks adjacent to any navigable channel made under the provisions hereof for drainage purposes, and to lease, manage and control such docks, and also to control and dispose of any water power which may be incidentally created in the construction and use of said channels or outlets, but in no case shall said board have any power to control water after it passes beyond its channel, waterways, races or structures into a river or natural waterway or channel, or water power or

docks situated on such river or natural waterway or channel: *Provided, however*, nothing in this act shall be construed to abridge or prevent the State from hereafter requiring a portion of the funds derived from such water power, dockage or wharfage to be paid into the State treasury to be used for State purposes. Such channels or outlets may extend outside of the territory included within such sanitary district and the rights and powers of said board of trustees over the portion of such channel or outlet lying outside of such district shall be the same as those vested in said board over that portion of such channels or outlets within the said district. [§ 349, ch. 24, R. S.]

724. MAY PURCHASE AND SELL REAL ESTATE, ETC.] § 8. Such sanitary district may acquire by purchase, condemnation, or otherwise any and all real and personal property, right of way and privilege, either within or without its corporate limits that may be required for its corporate purposes: *Provided*, all moneys for the purchase and condemnation of any property shall be paid before possession is taken, or any work done on the premises damaged by the construction of such channel or outlet, and in case of an appeal from the county court taken by either party whereby the amount of damages is not finally determined, the amount of judgment in such court shall be deposited at some bank to be designated by the judge thereof subject to the payment of such damages on orders signed by such county judge, whenever the amount of damages is finally determined; and when not longer required for such purposes, to sell, convey, vacate and release the same, subject to the reservation contained in section 7, relating to water powers and docks. [§ 350, ch. 24, R. S.]

725. MAY BORROW MONEY—LIMITATION.] § 9. The corporation may borrow money for corporate purposes, and may issue bonds therefor, but shall not become indebted in any manner, or for any purpose, to an amount in the aggregate to exceed five (5) per centum of the valuation of taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness: *Provided, however*, that the said five (5) per centum shall not exceed the sum of twenty million of dollars (\$20,000,000). [As amended by act approved May 10, 1901; in force July 1, 1901; L. 1901, p. 165; § 351, ch. 24, R. S.]

726. TO PROVIDE FOR DIRECT ANNUAL TAX—NET EARNINGS.] § 10. At the time or before incurring any indebtedness, the board of trustees shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof as the same shall fall due, and at least within 20 years from the time of contracting the same: *Provided*, that the net earnings from water power and docks may be appropriated and applied to the purpose of paying the interest or principal of such indebtedness, or both, and to the extent that they will suffice, the direct tax may be remitted. [§ 352, ch. 24, R. S.]

727. CONTRACTS—HOW LET.] § 11. All contracts for work to be done by such municipality, the expense of which will exceed \$500, shall be let to the lowest responsible bidder therefor upon not less than sixty days' public notice of the terms and conditions upon which

the contract is to be let having been given by publication in a newspaper of general circulation published in said district, and the said board shall have the power and authority to reject any and all bids, and re-advertise: *Provided*, no person shall be employed on said work unless he be a citizen of the United States, or has in good faith declared his intentions to become such citizen. In all cases where an alien after filing his declaration of intention to become a citizen of the United States shall for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *prima facie* evidence that his declaration of intentions was not made in good faith. And that eight hours shall constitute a day's work. [§ 353, ch. 24, R. S.]

728. TRUSTEES—LEVY AND COLLECT TAXES—MOVABLE BRIDGES.] § 12. The board of trustees may levy and collect taxes for corporate purposes upon property within the territorial limits of such sanitary district, the aggregate amount of which for each of the years 1895, 1896, 1897, 1898, and 1899, shall not exceed one and one-half per centum of the value of the taxable property within the corporate limits, as the same shall be assessed and equalized for the State and county taxes of the year in which the levy is made, and the aggregate amount of which in any one year after the year 1899 shall not exceed one-half of one per centum of such value. Said board shall cause the amount required to be raised by taxation in each year to be certified to the county clerk on or before the second Tuesday in August, as provided in section 122 of the general revenue law. All taxes so levied and certified shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officer collecting the same to the treasurer of the sanitary district, in the manner and at the time provided by the general revenue law: *Provided*, that no part of the taxes hereby authorized shall be used by such drainage district for the construction of permanent, fixed, immovable bridges across any channel constructed under the provisions of this act; and, *Provided further*, that all bridges built across such channel shall not unnecessarily interfere with or obstruct the navigation of such channel, when the same becomes a navigable stream, as provided in section 24 of this act, but such bridges shall be so constructed that they can be raised, swung, or moved out of the way of vessels, tugs, boats, or other water crafts navigating such channel; and *Provided further*, that nothing in this act shall be so construed as to compel said district to maintain or operate said bridges, as movable bridges, for a period of seven years from and after the time when the water has been turned into said channel pursuant to law, unless the needs of general navigation on the Desplaines and the Illinois rivers, when connected with said channel, sooner require it. [As amended by act approved May 13, 1897. In force July 1, 1897; L. 1897, p. 209; § 354, ch. 24, R. S.]

729. EXPENSES OF IMPROVEMENT—SPECIAL ASSESSMENTS—GENERAL TAX.] § 13. The board of trustees shall have power to defray the expenses of any improvement made by it in the execution of the powers hereby granted to such incorporation, by special assessment or by general taxation, or partly by special assessment and partly by

general taxation, as they shall by ordinance prescribe. It shall constitute no objection to any special assessment, that the improvement for which the same is levied is partly outside the limits of such incorporation, but no special assessment shall be made upon property situated outside of such sanitary district, and in no case shall any property be assessed more than it will be benefited by the improvement for which the assessment is levied. The proceedings for making, levying, collecting and enforcing of any special assessment levied hereunder, shall be the same as nearly as may be as is prescribed by article nine of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872. Whenever in said act the words "city council" are used, the same shall apply to the board of trustees constituted by this act, and the words applying to the city or its officers in that article shall be held to apply to the corporation hereby created and to its officers. [§ 355, ch. 24, R. S.

730. ASSESSMENT—INSTALLMENTS—INTEREST.] § 14. When any assessment is made under this act, the ordinance authorizing such assessment may provide that it be divided into equal annual installments, not more than 20 in number, and fix the amount and time of payment of each installment, and that the installment shall bear interest at a rate not exceeding six per cent per annum, payable annually, from the date fixed in said ordinance, and the several installments and interests thereon may be collected and enforced, as they shall become due, in the manner provided for the enforcement of assessments under said Article 9. No more of any assessment need be returned or certified to the county collector than will show the amount due and unpaid at the time of such return, and no sale of any parcel of land for any installment of an assessment shall discharge the premises from any subsequent installment of the same or any other assessment. Any one or all of the installments may be paid any time after the assessment is confirmed, with accrued interest, if any, to the date of payment. [356, ch. 24, R. S.

731. WHEN ASSESSMENTS PAYABLE BY INSTALLMENTS—BONDS MAY BE ISSUED.] § 15. Where any assessment is made payable in installments the board of trustees may issue bonds or certificates not exceeding in amount 80 per centum of the unpaid portion of such assessment at the date of the issue thereof, payable only out of such assessment, and bearing interest at a rate not exceeding the rate of interest upon the installments of such assessments. The board of trustees shall have the right to call in and pay off said bonds or certificates as fast as there is money received into the treasury from the assessment against which the same are issued, and all moneys received upon such assessment shall be applied to the payment of said certificates or bonds until they are fully satisfied. [§ 357, ch. 24, R. S.

732. PRIVATE PROPERTY—HOW TAKEN FOR IMPROVEMENT.] § 16. Whenever the board of trustees of any sanitary district shall pass an ordinance for the making of any improvement which such district is authorized to make, the making of which will require that private

property should be taken or damaged, such district may cause compensation therefor to be ascertained, and condemn and acquire possession thereof in the same manner as nearly as may be as is provided in an act entitled, "An act to provide for the exercise of the right of eminent domain," approved April 10, 1872: *Provided, however*, that proceedings to ascertain the compensation to be paid for taking or damaging private property shall in all cases be instituted in the county where the property sought to be taken or damaged is situated: *And, provided*, that all damages to property whether determined by agreement or by final judgment of court shall be paid out of the annual district tax, prior to the payment of any other debt or obligation. [§ 358, ch. 24, R. S.]

733. MAY ACQUIRE RIGHT OF WAY.] § 17. When it shall be necessary in making any improvements which any district is authorized by this act to make, to enter upon any public property or property held for public use, such district shall have the power so to do, and may acquire the necessary right of way over such property held for public use in the same manner as is above provided for acquiring private property, and may enter upon, use, widen, deepen and improve any navigable or other waters, waterways, canal or lake: *Provided*, the public use thereof shall not be unnecessarily interrupted or interfered with, and that the same shall be restored to its former usefulness as soon as practicable: *Provided, however*, that no such district shall occupy any portion of the Illinois and Michigan canal outside of the limits of the county in which such district is situated for the site of any such improvement, except to cross the same, and then only in such a way as not to impair the usefulness of said canal, or to the injury of the right of the State therein, and only under the direction and supervision of the canal commissioners: *And, provided further*, that no district shall be required to make any compensation for the use of so much of said canal as lies within the limits of the county in which said district is situated except for transportation purposes. [§ 359, ch. 24, R. S.]

734. SPECIAL ASSESSMENT—DAMAGE TO PROPERTY AND COST OF ACQUIRING.] § 18. In making any special assessment for any improvement which requires the taking or damaging of property, the cost of acquiring the right to damage or take such property may be estimated and included in the assessment as a part of the cost of making such improvement. [§ 360, ch. 24, R. S.]

735. LIABILITY OF SANITARY DISTRICT FOR DAMAGES.] § 19. Every sanitary district shall be liable for all damages to real estate within or without such district which shall be overflowed or otherwise damaged by reason of the construction, enlargement or use of any channel, ditch, drain, outlet or other improvement under the provisions of this act; and actions to recover such damages may be brought in the county where such real estate is situate, or in the county where such sanitary district is located, at the option of the party claiming to be injured, and in case judgment is rendered against such district for damage the plaintiff shall also recover his reasonable attorney's fees, to be taxed as costs of suit: *Provided, however*, it shall appear on the trial that the plaintiff

notified the trustees of such district, in writing, at least 60 days before suit was commenced by leaving a copy of such notice with some one of the trustees of such district, stating that he claims damages to the amount of dollars, by reason of (here insert the cause of damage), and intends to sue for the same: *And, provided further*, that the amount recovered shall be larger than the amount offered by said trustees (if anything) as a compromise for damages sustained. [§ 361, ch. 24, R. S.]

736. CAPACITY OF CHANNEL OR OUTLET.] § 20. Any channel or outlet constructed under the provisions of this act which shall cause the discharge of sewage into or through any river or stream of water beyond or without the limits of the district constructing the same shall be of sufficient size and capacity to produce a continuous flow of water of at least 200 cubic feet per minute for each 1,000 of the population of the district drained thereby, and the same shall be kept and maintained of such size and in such condition that the water thereof shall be neither offensive or injurious to the health of any of the people of this State; and before any sewage shall be discharged into such channel or outlet, all garbage, dead animals and parts thereof, and other solids shall be taken therefrom, and said district shall, at the time any sewage is turned into or through any such channel or channels, turn into said channel or channels not less than 20,000 cubic feet of water per minute for every 100,000 inhabitants of said district, and shall thereafter maintain the flow of such quantity of water. [As amended by act which became a law June 10, 1895; in force July 1, 1895; L. 1895, p. 168; § 362, ch. 24, R. S.]

737. SANITARY DISTRICT — FAILURE TO COMPLY WITH ACT — REMEDY—PENALTY—EMERGENCY TAX.] § 21. In case any sanitary district in this State formed under the provisions of this act shall introduce sewage into any river or stream of water, or natural or artificial water course, beyond or without the limits of such district, without conforming to the provisions of this act, or having introduced such sewage into such water course, shall fail to comply with any of the provisions of this act, an action to enforce compliance shall be brought by the Attorney General of this State in the courts of any county wherein such water course is situated, or he may authorize the State's attorney of any such county to commence and prosecute such action in any such county: *Provided*, that nothing in this section contained shall be construed to prevent the prosecution of any action or proceeding by individuals or bodies corporate or politic against such district: *And, provided further*, that if any individual or the authorities of any municipal corporation shall file with the Attorney General a verified statement, in writing, setting forth wherein said sanitary district has failed to comply with any of the provisions of this act, it shall be the duty of the Attorney General forthwith to file in the Supreme Court of this State a petition for mandamus, setting forth wherein said sanitary district has failed to comply with the provisions of this act, and said court shall thereupon hear and determine such cause and proceed to enforce compliance with the provisions of this act, as in other cases of mandamus.

And, in order to comply with the provisions of this act, such sanitary district is hereby authorized and empowered to levy and collect such tax, as an emergency tax, upon the taxable property of such sanitary district as may be necessary to carry into effect any order, judgment or decree of said court relating to the requisite flowage of water, capacity of the channel or outlet and the construction, maintenance and operation of movable bridges, as required by this act. [As amended by act approved May 13, 1897; in force July 1, 1897; L. 1897, p. 210; § 363, ch. 24, R. S.]

738. ACT—HOW CONSTRUED.] § 22. Nothing in this act contained shall be so construed as to constitute a contract or grant between the State of Illinois and any sanitary district formed under its provisions, or to prevent, debar or deprive the State of Illinois from, at any time in the future, altering, amending or repealing this act, or imposing any conditions, restrictions or requirements other, different or additional to any herein contained upon any sanitary district which may be formed hereunder. [§ 364, ch. 24, R. S.]

739. CHANNEL—HOW TO BE CONSTRUCTED.] § 23. If any channel is constructed under the provisions hereof by means of which any of the waters of Lake Michigan shall be caused to pass into the Desplaines or Illinois rivers, such channel shall be constructed of sufficient size and capacity to produce and maintain at all times a continuous flow of not less than 300,000 cubic feet of water per minute, and to be of a depth of not less than 14 feet, and a current not exceeding three miles per hour, and if any portion of any such channel shall be cut through a territory with a rocky stratum where such rocky stratum is above a grade sufficient to produce a depth of water from Lake Michigan of not less than 18 feet, such portion of said channel shall have double the flowing capacity above provided for, and a width of not less than 160 feet at the bottom capable of producing a depth of not less than 18 feet of water. If the population of the district draining into such channel shall at any time exceed 1,500,000, such channel shall be made and kept of such size and in such condition that it will produce and maintain at all times a continuous flow of not less than 20,000 cubic feet of water per minute for each 100,000 of the population of such district, at a current of not more than three miles per hour, and if at any time the general government shall improve the Desplaines or Illinois rivers, so that the same shall be capable of receiving a flow of 600,000 cubic feet of water per minute, or more, from said channel, and shall provide for the payment of all damages which any extra flow above 300,000 cubic feet of water per minute from such channel may cause to private property so as to save harmless the said district from all liability therefrom, then such sanitary district shall within one year thereafter, enlarge the entire channel leading into said Desplaines or Illinois rivers from said district to a sufficient size and capacity to produce and maintain a continuous flow throughout the same of not less than 600,000 cubic feet of water per minute, with a current of not more than three miles per hour, and such channel shall be constructed upon such grade as to be capable of producing a depth of water not less than 18 feet throughout said channel, and shall have

a width of not less than 160 feet at the bottom. In case a channel is constructed in the Desplaines river as contemplated in this section it shall be carried down the slope between Lockport and Joliet to the pool commonly known as the upper basin of sufficient width and depth to carry off the water the channel shall bring down from above. The district constructing a channel to carry water from Lake Michigan of any amount authorized by this act, may correct, modify and remove obstructions in the Desplaines and Illinois rivers wherever it shall be necessary so to do to prevent overflow or damage along said river, and shall remove the dams at Henry and Copperas Creek in the Illinois river, before any water shall be turned into the said channel. And the canal commissioners, if they shall find at any time that an additional supply of water has been added to either of said rivers, by any drainage district or districts, to maintain a depth of not less than six feet from any dam owned by the State, to and into the first lock of the Illinois and Michigan canal at LaSalle, without the aid of any such dam, at low water, then it shall be the duty of said canal commissioners to cause such dam or dams to be removed. This act shall not be construed to authorize the injury or destruction of existing water power rights. [§ 365, ch. 24, R. S.

740. CHANNEL, WHEN COMPLETED—CONTROL OF.] § 24. When such channel shall be completed, and the water turned therein, to the amount of 300,000 cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the general government shall improve the Desplaines and Illinois rivers for navigation, to connect with this channel, said general government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or drainage purposes. [§ 366, ch. 24, R. S.

741. MAY PERMIT TERRITORIES OUTSIDE TO DRAIN, ETC.] § 25. Any district formed hereunder shall have the right to permit territory lying outside its limits and within the same county to drain into and use any channel or drain made by it, upon such payments, terms and conditions as may be mutually agreed upon, and any district formed hereunder is hereby given full power and authority to contract for the right to use any drain or channel which may be made by any other sanitary district, upon such terms as may be mutually agreed upon, and to raise the money called for by any such contract in the same way and to the same extent as such district is authorized to raise money for any other corporate purposes: *Provided*, that where the united flow of any sanitary districts thus coöperating shall pass into any channel constructed within the limits of the county wherein such districts are located, and which passes into the Desplaines or Illinois rivers, such united flow shall in no case and at no time be less than 20,000 cubic feet of water per minute for each 100,000 of the aggregate of the population of the districts coöperating: *Provided*, nothing in this act shall in any wise be so construed as to diminish, impair or remove any right or rights of any city, village, township or corporation, body politic or individual situated on the Desplaines or Illinois rivers or their tributaries and within the

valleys of the same to use the channel for drainage or otherwise not inconsistent with the rights of the district constructing the same as expressed in this act. [§ 367, ch. 24, R. S.]

742. WHEN CITY OR VILLAGE OWNS WATERWORKS, ETC.] § 26. Whenever in any such sanitary district there shall be a city, incorporated town or village, which owns a system of waterworks and supplies water from a lake or other source which will be saved and preserved from sewage pollution, by the construction of the main channel, drain, ditch or outlet herein provided for, and the turning of the sewage of such city and district therein, and there shall be in such sanitary district and territory bordering on any such city, incorporated town or village within the limits of another city, incorporated town or village, which does not own any system of waterworks, at the time of the creation of such sanitary district, then upon application by the corporate authorities of such latter named city, incorporated town or village the corporate authorities of such city, incorporated town or village having such system of waterworks shall furnish water at the boundary line between such municipalities by means of its waterworks to the corporate authorities asking for the same in such quantities as may be required to supply consumers within said territory, at no greater price or charge than it charges and collects of consumers, within its limits for water furnished through meters in like large quantities. [§ 368, ch. 24, R. S.]

743. WHEN CHANNEL CONSTRUCTED—COMMISSIONERS TO BE APPOINTED TO INSPECT ITS WORK.] § 27. If any channel shall be constructed under the provisions of section 23 of this act, it shall be the duty of the trustees of such district, when such channel shall be completed, and before any water or sewage shall be admitted therein, to duly notify, in writing, the Governor of this State of such fact; and the Governor shall thereupon appoint three discreet persons as commissioners, one of whom shall be a resident of the city of Joliet, or between said city and the city of LaSalle, and one a resident of the city of LaSalle, or between said city and the city of Peoria, and one a resident of the city of Peoria, or between said city and the mouth of the Illinois river, to inspect said work. The said commissioners shall, within ten days after such appointment, meet at the city of Chicago, and shall appoint a competent civil engineer, and they may employ such other assistance as they may require to expeditiously perform their duties. The said commission shall take as their datum line for the survey the datum established by the Illinois and Michigan Canal Trustees in 1847, and shall make such examination and surveys of Chicago river and of the channel or channels authorized by this act as shall enable them to ascertain whether said channel is of the character and capacity required by this act. And in case they shall find the work in all respects in accordance with the provisions of section 23, of this act, they shall so certify to the Governor, who shall thereupon authorize the water and sewage to be let into said channel. But in case said commissioners shall find said channel is not constructed in accordance with the provisions of this

act, it shall be their duty to file in any court of competent jurisdiction, on the chancery side thereof, in their name as such commissioners, a bill against said corporation, which bill shall set forth wherein said work is deficient and fails to comply with the provisions of this act; and said court shall thereupon issue an injunction without bond against said defendant, enjoining and restraining it from admitting water or sewage into said channel until the final order of the court. And in case said court, upon hearing, shall determine that said channel is not constructed in accordance with the provisions of this act, said injunction shall be continued until the provisions of this act shall have been fully complied with.

Such commissioners and engineer shall receive for their services \$10 per day each, and their reasonable expenses and outlays for the time by them necessarily employed in the discharge of their duties, which shall be paid to them from the State Treasury; and the said sanitary district shall reimburse the State for all expenses and disbursements on account of said commission.

If any channel is constructed under the provisions of this act which shall discharge the sewage of a population of more than 300,000 into or through any river beyond or without the limits of the district constructing it, the same shall be constructed in accordance with the provisions of section 23 of this act, and if any such channel receives its supply of water from any river or channel connecting with Lake Michigan, it shall be construed as receiving its supply of waters from Lake Michigan. [§ 369, ch. 24, R. S.]

POLICE POWER—SANITARY DISTRICT OF CHICAGO.

AN ACT conferring police power upon the Sanitary District of Chicago. [Approved June 16, 1899; in force July 1, 1899; L. 1899, p. 96.]

744. POWER TO APPOINT FORCE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Sanitary District of Chicago shall have the right and power to appoint and support a police force, the members of which may have and exercise police powers over and within its right of way and for a distance of one and one-half miles on each side of its main drainage channel, such police powers as are conferred upon and exercised by the police of organized cities and villages; but such police force, when acting within the limits of such city or village, shall act in aid of the regular police force of such city or village, and shall then be subject to the direction of its chief of police, city or village marshals or other head thereof. [§ 369a, ch. 24, R. S.]

TO EXTEND THE POWERS OF SANITARY DISTRICTS, ETC.

AN ACT extending the powers of sanitary districts organized under an act entitled, "An act to create sanitary districts and to remove obstructions in the Des Plaines and Illinois rivers," approved May 29, 1899, in force July 1, 1899, to enable such districts to improve certain navigable streams within or auxiliary to such district and to build bridges across such streams. [Approved May 28, 1901; in force July 1, 1901; L. 1901, p. 164.]

745. MAY ACQUIRE LAND, ETC., BY PURCHASE OR UNDER THE EMINENT DOMAIN LAWS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any sanitary district organized under an act entitled, "An act to create sanitary

districts and remove obstructions in the DesPlaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, which heretofore has or may hereafter use any navigable stream or river for a portion of its channel, or as an adjunct thereto or auxiliary to its main channel, may for the purpose of widening, deepening or improving the same, for purposes set forth in the act aforesaid, acquire by purchase, or under and pursuant to the eminent domain laws of this State, or otherwise, sufficient land for the purpose of making such improvement by widening and deepening said stream, as aforesaid. [§ 369b, ch. 24, R. S.]

746. WHEN DISTRICT MAY CONSTRUCT BRIDGE OR BRIDGES.] § 2. That wherever it has or may become necessary by reason of the widening, deepening or improving of such river, to construct bridges to meet the altered or changed condition of such stream or river, such sanitary district or districts may construct such bridge or bridges as such improvement, heretofore made or hereafter to be made, may require. [§ 369c, ch. 24, R. S.]

747. ACT—HOW CONSTRUED.] § 3. Nothing herein contained shall be construed as depriving any city, village or town, situated wholly or partly within the limits of said sanitary district, of any power now exercised in the operation of said bridges; and any bridges built under the provisions of this act to supply or replace a public street or highway bridge, now or hereafter existing, shall, after the construction of said bridge, be operated and controlled for municipal purposes by said city, village or town within which it is located. [§ 369d, ch. 24, R. S.]

DRAM SHOPS—ACTS CONCERNING THE SALE OF LIQUOR WITHIN MUNICIPALITIES.—[PARAGRAPHS 748–763.]

DRAM SHOPS IN CITIES.

AN ACT to restrict the powers of counties, cities, towns and villages in licensing dram-shops, to provide for granting a license to retail malt liquors separately, and for punishing persons holding such separate license for unlawful sale and gifts. Approved June 15, 1893. In force July 1, 1893. Laws 1893, p. 92.]

748. HOW LICENSE MAY BE GRANTED] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter it shall not be lawful for the corporate authorities of any city, town or village in this State, to grant a license for the keeping of a dram-shop, except upon the payment, in advance, into the treasury of the city, town or village granting the license, such sum as may be determined by the respective authorities of such city, town or village, not less than at the rate of five hundred dollars (\$500) per annum: *Provided*, that in all cases when a license for the sale of malt liquors only is granted, the city, town or village granting such license, may grant the same on the payment, in advance, of the sum of not less than at the rate of one hundred and fifty dollars (\$150) per annum: *And, provided further*, that the city councils in cities, the board of trustees in towns, and president and board of trustees in villages, may grant permits to pharmacists for the sale of liquors

for medicinal, mechanical, sacramental and chemical purposes only, under such restrictions and regulations as may be provided by ordinance. [§ 3, ch. 43, R. S.]

749. HOW LICENSE MAY BE GRANTED BY COUNTY BOARD.] § 2. The county boards of each county may grant licenses to keep so many dram-shops in their county as they may think the public good requires, upon the application, by petition, of a majority of the legal voters of the town, if the county is under township organization, and if not under township organization, then of a majority of the legal voters of the election precinct or district where the same is proposed to be located, and upon the payment into the county treasury of such sum as the board may require, not less than five hundred dollars (\$500) per annum for each license; and upon compliance with the provisions of an act entitled "An act to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors," approved March 3, 1874, in force July 1, 1874: *Provided*, that in all cases where a license is granted for the sale of malt liquors only, such board may grant the same, upon payment into the county treasury of a sum not less than one hundred and fifty dollars (\$150) per annum for each license: *Provided further*, such board shall not have power to issue any license to keep a dram-shop in any incorporated city, town or village, or within two miles of the same, in which the corporate authorities have authority to license, regulate, restrain or prohibit the sale of liquors, or in any place where the sale of liquors is prohibited by law. [§ 3a, ch. 43, R. S.]

750. LICENSE TO SELL MALT LIQUOR—PENALTY FOR SELLING OTHER LIQUORS.] § 3. Any person having a license to sell malt liquors only, who shall by himself or another, either as principal, clerk or servant, directly or indirectly, sell or give any intoxicating liquors, other than malt liquors in a less quantity than one gallon, or in any quantity to be drank upon the premises, or in or upon any adjacent room, building, yard or place of public resort, shall for each offense be fined not less than \$20, nor more than \$100, or confined in the county jail not less than ten nor more than 30 days, or both in the discretion of the court. The penalties provided for in this section may be enforced by indictment or information in any court of competent jurisdiction, or the fine only may be sued for and recovered before any justice of the peace of the proper county, and in case of conviction, the offender shall stand committed to the county jail until the fine and costs are fully paid. A conviction under this section shall forfeit the license held by the defendant and the court rendering judgment upon such conviction shall in such judgment declare a forfeiture of such license. [§ 3b, ch. 43, R. S.]

751. FORM OF LICENSE—RIGHTS UNDER—MAY BE REVOKED.] § 4. The license shall state the time for which it is granted, which shall not exceed one year, the place where the dram-shop is to be kept, and shall not be transferrable, nor shall the person licensed keep a dram-shop at more than one place at the same time, and any license granted may be revoked by the county board whenever they shall be satisfied that the person licensed has violated any of the provisions

of this act, or keeps a disorderly or ill-governed house or place of resort for idle or dissolute persons, or allows any illegal gaming in his dram-shop, or any house or place adjacent thereto. [§ 4, ch. 43, R. S.]

752. BOND—HOW TAKEN—SUIT ON.] § 5. No person shall be licensed to keep a dram shop, or to sell intoxicating liquors, by any county board, or the authorities of any city, town or village, unless he shall first give bond in the penal sum of \$3,000, payable to the People of the State of Illinois, with at least two good and sufficient sureties, freeholders of the county in which the license is to be granted, to be approved by the officer who may be authorized to issue the license, conditioned that he will pay to all persons all damages that they may sustain, either in person or property, or means of support, by reason of the person so obtaining a license selling or giving away intoxicating liquors. The officer taking such bond may examine any person offered as security upon any such bond, under oath and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security. Any bond taken pursuant to this section may be sued upon for the use of any person or his legal representatives, who may be injured by reason of the selling or giving away any intoxicating liquor by the person so licensed, or by his agent or servant. [§ 5, ch. 43, R. S.]

753. SELLING OR GIVING TO MINOR OR DRUNKARD.] § 6. Whoever, by himself, or his agent or servant, shall sell or give intoxicating liquor to any minor without the written order of his parent, guardian or family physician, or to any person intoxicated or who is in the habit of getting intoxicated, shall, for each offense, be fined not less than twenty dollars (\$20), nor more than one hundred dollars (\$100), or imprisoned in the county jail not less than ten nor more than 30 days, or both, according to the nature of the offense: *Provided*, this act shall not affect any prosecution pending at the time this act takes effect, but in every such prosecution the accused shall, upon conviction, be punished in the same manner in all respects, as if this act had not been passed. [As amended by act approved May 18, 1877. In force July 1, 1877. L. 1877, p. 99; § 6, ch. 43, R. S.]

754. BUYING OR PROCURING FOR MINOR.] § 6½. Every person, whether the keeper of a dram shop or not, who shall buy or in any manner procure or aid in procuring any wine, rum, brandy, gin, whiskey, lager beer, hard cider, alcohol or other vinous, malt, spirituous, fermented or mixed liquor or any intoxicating liquor whatever, for any minor, without the written order of such minor's parent, guardian or family physician, or shall so procure or aid in procuring any of said liquors for any person intoxicated, or who is in the habit of getting intoxicated, shall, for every such offense be fined not less than \$20 nor more than \$100 or confined in the county jail not less than ten nor more than 30 days, or both, in the discretion of the court. [Added by act approved June 19, 1891. In force July 1, 1891. L. 1891, p. 105; § 6½, ch. 43, R. S.]

755. NUISANCES—PENALTY—BOND—EVIDENCE.] § 7. All places where intoxicating liquors are sold in violation of this act, shall be taken, held, and be declared to be common nuisances, and all rooms, taverns, eating houses, bazars, restaurants, drug stores, groceries, coffee houses, cellars or other places of public resort, where intoxicating liquors are sold in violation of this act, shall be deemed public nuisances; and whoever shall keep any such place, by himself or his agent or servant, shall, for each offense, be fined not less than \$50 nor more than \$100, and confined in the county jail not less than 20 nor more than 50 days, and it shall be a part of the judgment, upon the conviction of the keeper, that the place so kept shall be shut up and abated until the keeper shall give bond, with sufficient security to be approved by the court, in the penal sum of \$1,000, payable to the People of the State of Illinois, conditioned that he will not sell intoxicating liquors contrary to the laws of this State, and will pay all fines, costs and damages assessed against him for any violation thereof; and in case of a forfeiture of such bond, suit may be brought thereon for the use of the county, city, town or village, in case of a fine due to either of them. It shall not be necessary in any prosecutions under this section to state the name of any person to whom liquor is sold. [§ 7, ch. 43, R. S.]

756. LIABILITY FOR SUPPORT, ETC.] § 8. Every person who shall, by the sale of intoxicating liquors, with or without a license, cause the intoxication of any other person, shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and \$2.00 per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication, which sums may be recovered in an action of debt before any court having competent jurisdiction. [§ 8, ch. 43, R. S.]

757. SUIT FOR DAMAGES BY HUSBAND, WIFE, CHILD, ETC.—FORFEITURE OF LEASE, ETC.] § 9. Every husband, wife, child, parent, guardian, employer or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons; and any person owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that intoxicating liquors are to be sold therein, or who having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors that have caused, in whole or in part, the intoxication of any person, shall be liable, severally or jointly, with the person or persons selling or giving intoxicating liquors aforesaid, for all damages sustained, and for exemplary damages; and a married woman shall have the same right to bring suits and to control the same and the amount recovered, as a *feme sole*; and all damages recovered by a minor under this act shall be paid either to such minor, or to his or her parent, guardian or next friend, as the court shall direct; and the unlawful sale, or

giving away, of intoxicating liquors, shall work a forfeiture of all rights of the lessee or tenant, under any lease or contract of rent upon the premises where such unlawful sale or giving away shall take place; and all suits for damages under this act may be by any appropriate action in any of the courts of this State having competent jurisdiction. [§ 9, ch. 43, R. S.]

758. WHAT LIABLE TO EXECUTION—PROCEEDING TO ENFORCE.] § 10. For the payment of any judgment for damages and costs that may be recovered against any person in consequence of the sale of intoxicating liquors under the preceding section, the real estate and personal property of such person, of every kind, except such as may be exempt from levy and sale upon judgment and execution, shall be liable; and such judgment shall be a lien upon such real estate until paid; and in case any person shall rent or lease to another any building or premises to be used or occupied, in whole or in part, for the sale of intoxicating liquors, or shall knowingly permit the same to be so used or occupied, such building or premises so used or occupied shall be held liable for and may be sold to pay any such judgment against any person occupying such building or premises. Proceedings may be had to subject the same to the payment of any such judgment recovered, which remain unpaid, or any part thereof, either before or after execution shall issue against the property of the person against whom such judgment shall have been recovered; and when execution shall issue against the property so leased or rented, the officer shall proceed to satisfy said execution out of the building or premises so leased or occupied, as aforesaid: *Provided*, that if such building or premises belong to a minor or other person under guardianship, the guardian or conservator of such person, and his real and personal property, shall be held liable instead of such ward, and his property shall be subject to all the provisions of this section relating to the collection of said judgment. [§ 10, ch. 43, R. S.]

759. WHEN SUIT MAY BE BEFORE JUSTICE.] § 11. When the damages claimed under either the eighth or ninth section of this act do not exceed the sum of \$200, the action therefor may be prosecuted before a justice of the peace of the proper county and the judgment may be enforced in the same manner as other judgment recovered before justices of the peace. [§ 11, ch. 43, R. S.]

760. INDIOTMENT, OR FINE.] § 12. Any fine or imprisonment mentioned in this act may be enforced by indictment in any court of record having criminal jurisdiction, or the fine above may be sued for and recovered before any justice of the peace of the proper county, in the name of the People of the State of Illinois; and in case of conviction the offender shall stand committed to the county jail until the judgment and costs are fully paid. [§ 12, ch. 43, R. S.]

761. SHIFTS.] § 13. The giving away of intoxicating liquors, or other shift or device to evade the provisions of this act, shall be held to be an unlawful selling. [§ 13, ch. 43, R. S.]

762. EVIDENCE.] § 14. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold; or to describe the place where sold; nor to show the knowledge of the principal to convict for the acts of an agent or servant; and in all cases the persons to whom intoxicating liquors shall be sold in violation of this act, shall be competent witnesses. [§ 14, ch. 43, R. S.]

763. CITY OR VILLAGE ORDINANCE NO DEFENSE.] § 15. It shall be no objection to a recovery under this act that the offense for which the person is prosecuted is punishable under any city, village or town ordinance. [§ 15, ch. 43, R. S.]

PARKS AND DRIVEWAYS—ACTS CONCERNING PARKS, BOULEVARDS AND DRIVEWAYS CONTROLLED BY MUNICIPALITIES. [PARAGRAPHS 764-784.]

MUNICIPALITIES MAY PROVIDE AND MAINTAIN PUBLIC PARKS.

AN ACT to enable certain cities to provide and maintain public parks for the use of the inhabitants thereof. [Approved April 24, 1899; in force July 1, 1899; L. 1899, p. 100.]

764. WHAT CITIES MAY ACQUIRE, BY PURCHASE OR OTHERWISE, LANDS FOR PUBLIC PARKS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all cities of not exceeding 5,000 inhabitants in this State be and they are hereby authorized to acquire by purchase or otherwise lands in or adjoining the same for the purpose of providing public parks therein for the use of the inhabitants thereof and may inclose, improve and maintain any such public park and regulate the use thereof by ordinance: *Provided,* that no moneys shall be expended for the purchase of any land for said purpose until the question of the expenditure of such money for said purpose shall have been submitted to a vote of the people of such city at an election for city officers or at a special election called for that purpose by the city council of said city and shall have received the majority of the votes cast at such election. [§ 631, ch. 24, R. S.]

765. HOW MONEY OBTAINED TO PURCHASE.] § 2. Such cities may borrow money, levy and collect a general tax for the said purpose in the same manner as for the purpose of purchasing and maintaining waterworks under the laws of this State and may appropriate money for the same. [§ 632, ch. 24, R. S.]

PLEASURE DRIVEWAYS IN MUNICIPALITIES.

AN ACT to provide for pleasure driveways in incorporated cities, villages and towns. [Approved and in force March 27, 1899; L. 1899, p. 32.]

766. PLEASURE DRIVEWAYS—HOW ESTABLISHED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council in cities, the president and board of trustees in villages, or the board of trustees in incorporated towns, whether incorporated under the general law, or special charter,

shall have the power to designate by ordinance the whole or any part of not to exceed two streets, roads, avenues, boulevards or highways, under their jurisdiction, as a public driveway, to be used for pleasure driving only, and to improve and maintain the same, and also to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain not more than two roads, streets or avenues, and designate the same as pleasure driveways, to be used for pleasure driving only: *Provided*, said powers shall only be exercised when said corporate authorities are petitioned thereto by the owners of more than two-thirds ($\frac{2}{3}$) of the frontage of land fronting upon said proposed pleasure driveway. [§ 435, ch. 24, R. S.]

767. MAY BE LAID OUT UNDER ARTICLE 9.] § 2. Said pleasure driveways may be laid out, extended and improved under the provisions of article 9 of an act to provide for the incorporation of cities and villages, approved April 10, 1872, in force July 1, 1872, and any and all amendments thereto. [§ 436, ch. 24, R. S.]

768. POWER OF CORPORATE AUTHORITIES TO REGULATE, ETC.] § 3. Said corporate authorities may, by ordinance, regulate, restrain and control the speed of travel upon said pleasure drives, and prescribe the kind of vehicles that shall be allowed upon the same, and in all things may regulate, restrain and control the use of said pleasure driveways by the public or individuals, and may exclude therefrom funeral processions, hearses and traffic teams and vehicles, so as to free the same from any and all business traffic or objectionable travel, and make the same a pleasure driveway for pleasure driving only, and may prescribe in such ordinances such fines or penalties for the violation thereof as they are allowed by law to prescribe for the violation of other ordinances. [§ 437, ch. 24, R. S.]

769. EMERGENCY.] § 4. Whereas, certain municipalities are about establishing such pleasure driveways, or boulevards, and doubts exist as to their power so to do; therefore an emergency exists for the passage of this act, and the same shall take effect and be in force from and after its passage. [§ 438, ch. 24, R. S.]

PARK COMMISSIONERS MAY TAKE AND CONTROL EXISTING PARKS.

AN ACT entitled "An act to enable park commissioners having control of parks to take, regulate, control and improve parks now under the control of incorporated cities, villages or towns." [Approved and in force April 11, 1893. L. 1893, p. 224.]

770. POWER OF PARK COMMISSIONERS—PARKS NOW UNDER CONTROL OF CITIES, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of public park commissioners shall have the power to take under its control, and to regulate, control and govern, in the same manner as it may govern other parks or boulevards, under its control, any public parks now under the control or jurisdiction of any incorporated city, town or village: *Provided*, that the park so taken shall lie within the district or territory, the property of which shall be taxable for the maintenance of the parks or boulevards under the control of any such board of park commissioners: *And, provided further*, that the consent of the authorities of any city, town or village having control

of the park so to be taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on the park so to be taken, shall be first obtained. [§ 60, ch. 105, R. S.]

771. POWER OF PARK COMMISSIONERS OF PARKS TAKEN UNDER THIS ACT.] § 2. Such boards of park commissioners shall have the same power and control over the parks taken under this act as are, or may be, by law vested in them, of and concerning the parks, boulevards or driveways now under their control. [§ 61, ch. 105, R. S.]

772. WHEN SUCH PARKS PASS FROM CONTROL OF PARK BOARD.] § 3. In case any such parks so to be taken shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act, shall revert to the proper authorities of such city, town or village, as the case may be, as aforesaid. [§ 62, ch. 105, R. S.]

773. POWER OF CITY OR VILLAGE.] § 4. Any city, town or village in this State, shall have full power and authority to vest any such board of public park commissioners with the right to control, improve and maintain any such park within the district over which such board of park commissioners has jurisdiction for the purposes of carrying out the provisions of this act, in accordance with its intent. [§ 63, ch. 105, R. S.]

774. EMERGENCY.] § 5. WHEREAS, public policy requires that, so far as practicable, there should be, within the jurisdiction of such park boards, but a single authority over the parks lying within such districts respectively; therefore, an emergency exists for the passage of this act, and the same shall take effect and be in force from and after its passage. [§ 64, ch. 105, R. S.]

ACQUIRING LANDS FOR PUBLIC PARKS.

AN ACT to authorize the corporate authorities of towns having an indebtedness heretofore created, to pay the cost of procuring lands for public parks in such towns, to issue and sell bonds to pay and refund such indebtedness. [Approved June 14, 1897. In force July 1, 1897. L. 1897, p. 243.]

775. LANDS FOR PUBLIC PARKS—AUTHORITY OF CORPORATE AUTHORITIES TO ISSUE BONDS TO PAY INDEBTEDNESS. § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in any town which is now included within the limits of any city of this State in which a board of park commissioners shall now exist, having authority by law to acquire land and the appurtenances in trust for the inhabitants of such town, and of a division or part of such city, and for such parties or persons as may succeed to the rights of such inhabitants, and for the public as a public promenade and pleasure grounds and ways, but not for any other purpose, without the consent of a majority, by frontage, of the owners of the property fronting the same, and without the power to sell, alienate, mortgage or encumber the same, in which town there shall exist, at the time of the passage of this act, an indebtedness incurred for the purpose of paying the portion found payable by the public, of the cost of the land acquired

for such parks and boulevards, pleasure grounds and ways, the corporate authorities of such town, meaning the town supervisor, clerk and assessor thereof, shall have authority and are hereby empowered to issue bonds for and on behalf of said town, to an amount not exceeding in the aggregate of principal, six hundred thousand dollars (\$600,000) which, taken with and including existing indebtedness of said town, shall not, in the aggregate, exceed 5 per centum of the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the issue from time to time of said bonds, for the purpose of funding and paying any bonds heretofore issued and sold by such park commissioners to raise money to pay the portion found payable by the public, of the cost of procuring the lands selected by such park commissioners for public parks and boulevards in such town. [§ 76, ch. 105, R. S.

776. BONDS ISSUED UNDER ACT.] § 2. Such bonds shall be issued by the corporate authorities of such towns as aforesaid, and shall be signed by said corporate authorities in the name of said town. Said bonds may be of the denomination of twenty-five dollars (\$25), and any multiple thereof. They shall bear interest at the rate of not exceeding five (5) per cent. per annum, to be paid semi-annually, and to be evidenced by coupons thereto attached, and the principal shall be payable at such time as such corporate authorities may determine, not exceeding 20 years from the date of their issue. They shall be numbered in regular series, and shall be registered upon the records of said town, which registry shall show the number of the bonds, the amount of the same, when and to whom payable, and the rate of interest which they bear. Said bonds may be made payable to bearer, or to such person or persons as may be named therein, or order. When payable to bearer, they shall pass by delivery, but provisions shall be made for the second registry of the same in the office of said town, at the option of the holder, and in his name; after which second registry, they, together with bonds made payable to any particular person or persons, shall pass only by indorsement and delivery: *It is further provided*, that upon the expiration of one year after the date of any bonds issued under authority of this act, and upon the expiration of each successive year thereafter, the said corporate authorities shall, at the office of the town clerk, select by lot so many of said bonds as may be required to absorb the money raised by taxation to pay and discharge the principal of said bonds, and the principal of the bonds so selected shall become due and payable at the date of the next installment of interest maturing on the several bonds so selected from time to time shall cease to bear interest after they severally become due and payable by such selection; said corporate authorities, immediately after making any such selection, shall make and sign in duplicate a statement of the result thereof, and shall file one copy thereof in the office of the town clerk, and the other copy shall be filed in the office of the county clerk of the county, and it is hereby made the duty of such corporate authorities of such town to pay and discharge the principal of the bonds so selected, at the date of the next installment of interest maturing on the several bonds so selected from the funds raised from time to time

for that purpose under this act. Each bond issued under authority hereby granted shall contain a condition that the same may be declared due and payable at any time before maturity thereof by selection in the manner last aforesaid. [§ 77, ch. 105, R. S.]

777. SELLING THE BONDS.] § 3. Bonds issued under this act may be issued in substitution for the indebtedness designated in this act, legally existing at the time of its passage, and may be sold by said corporate authorities for such prices as they shall deem expedient. They shall not, however, be sold at less than par, nor until the proceeds of the same can be made available for the purpose of canceling such existing indebtedness, and the proceeds of bonds sold shall be used only for the payment of such existing indebtedness. Any person who shall knowingly violate or connive at the violation of any of the provisions of this act, shall be deemed guilty of embezzlement, and shall be liable to indictment, trial and punishment, as in other cases of embezzlement. [§ 78, ch. 105, R. S.]

778. TAX TO PAY INTEREST, ETC.] § 4. For the purpose of providing for the payment of the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at the maturity of the same, said town is, and its corporate authorities are hereby authorized, required and directed to appropriate and levy an annual tax upon the taxable property in such town, sufficient to pay the interest on said bonds as the same shall mature from time to time, and also pay and discharge the principal thereof at maturity. [§ 79, ch. 105, R. S.]

BONDS AND TAX FOR PARKS AND BOULEVARDS.

AN ACT to authorize the corporate authorities of towns to issue bonds for the completion and improvement of public parks and boulevards, and to provide a tax for the payment of the same. [Approved and in force June 12, 1891; L. 1891, p. 172.]

779. AUTHORITY OF CORPORATE AUTHORITIES TO ISSUE BONDS AND LEVY TAX.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in any town which is now included within the limits of any city in this State where the boundaries and limits of any such town are co-extensive with the boundaries and limits of any park district, in which a board of park commissioners shall now exist, having authority by law to acquire, hold, improve and maintain land and the appurtenances in trust for the inhabitants of such town, and of a division or part of such city, and for such parties or persons as may succeed to the rights of such inhabitants, and for the public as a public promenade and pleasure ground and ways, but not for any other use or purpose without the consent of a majority, by frontage, of the owners of the property fronting the same, and without the power to sell, alienate, mortgage or encumber the same, the corporate authorities of such town (meaning the town supervisor, clerk and assessor thereof), shall have authority, and such corporate authorities of any such town are hereby empowered, upon the written request to that effect of any board of park commissioners or the successors thereof, which shall now exist within any such town, to issue bonds in the name of such town to an amount not exceeding in the aggregate the principal sum of \$1,000,000, and such bonds, when so issued by such corporate authorities, shall

be delivered to such board of park commissioners, to be by them sold in the manner hereinafter provided, and the proceeds thereof used for the improvement of any land now held, controlled and maintained by any such board of park commissioners, for park and boulevard purposes: *Provided*, that the total indebtedness of such town, including the said sum of \$1,000,000 hereby authorized to be issued, shall not exceed 5 per centum of the value of the taxable property of such town, as ascertained by the last assessment for State and county taxes previous to issue of any such bonds. And such corporate authorities of any such town shall, in addition to the amount of any tax now authorized by law to be levied and collected for park and boulevard purposes in any such town, levy and collect annually a tax not to exceed $1\frac{1}{2}$ mills on the dollar upon the taxable property in any such town, according to the valuation of the same as made for the purposes of State and county taxation; such tax to be used and expended by such board of park commissioners in governing, maintaining and improving such parks and boulevards or pleasureways, and in paying the interest and principal of such bonds and other necessary and incidental expenses incurred in and about the management of any such parks and boulevards. Neither the bonds hereby authorized to be issued for the purpose aforesaid, nor the proceeds thereof, shall be used by such board of park commissioners for any other purpose than the improvement of the lands now held, controlled and maintained by such board of park commissioners. Nor shall any portion of the money derived from the sale of said bonds be used or expended by such board of park commissioners in the improvement, maintenance, control or repair of any boulevard or pleasureway which has been or may hereafter be made into boulevards or pleasureways from pre-existing streets, but all of the proceeds of the sale of such bonds shall be used and expended exclusively in the improvement of the lands acquired and maintained by any such board of park commissioners by means and from sources other than the transfer of any street or streets by the common council of any municipal corporation, to the management and control of any such board of park commissioners. [§ 89, ch. 105, R. S.

780. BONDS—HOW ISSUED.] § 2. Such bonds shall be issued by the corporate authorities of such town as aforesaid, in the name of said town, upon the request in writing of any such board of park commissioners or a majority of the members thereof. Said bonds shall be signed by the said corporate authorities, in the name of said town, and when so signed shall be delivered by such corporate authorities to such board of park commissioners, who shall, before disposing of the same, endorse upon each one of such bonds a certificate to the effect that such bonds have been issued by the corporate authorities of such town, upon the requisition of such board of park commissioners for the issue of such bonds by the corporate authorities of such town. And such certificate, to be endorsed upon each one of such bonds, shall be evidence that due requisition for the issue of such bonds has been made by such board of park commissioners upon the corporate authorities of such town as aforesaid. Such certificate so to be endorsed upon said bonds shall be signed by the

president, treasurer, auditor and secretary of such board of park commissioners. The said bonds may be of the denomination of \$25 and of any multiple thereof. They shall bear interest at a rate not exceeding five per centum per annum, to be paid semi-annually, and to be evidenced by coupons thereto attached, and the principal shall be payable at such place and at such time, not exceeding 20 years from the date of the issue of such bonds, as such board of commissioners may determine. Such bonds shall be numbered in regular series and shall be registered upon the records of such board of park commissioners, which registry shall show the number of the bonds, the amount of each bond, when the same is payable, to whom the same shall be payable, and the rate of interest payable thereon: *Provided, however,* that such bonds may be made payable to bearer, or to the order of such person or persons as may be named therein, and when any of such bonds shall be made payable to bearer they shall pass by delivery, and provision shall be made by such board of park commissioners for the second registry of such bonds in the office of such board of park commissioners, at the option of the holder and in his name; and after a second registry of any of such bonds they, together with any bonds made payable to any particular person or persons, shall pass only by endorsement and delivery. None of such bonds shall be sold by such board of park commissioners for less than the par value thereof and the accrued interest thereon at the date of sale. And such board of park commissioners are hereby empowered to require of the treasurer of any such board a bond, with security to be approved by the circuit court of the county in which such parks and boulevards or pleasureways may be located, sufficient in amount and penalty to protect and save harmless any such board of park commissioners from loss of any money or sums of money which may or shall, from time to time, come into the hands of the treasurer of any such board of park commissioners from the sale of any of the bonds issued and sold under and by virtue of the provisions of this act. Any person who shall knowingly violate or aid and abet in the violation of any of the provisions of this act, shall be deemed guilty of embezzlement, and shall be liable to indictment, trial and punishment as in other cases of embezzlement. [§ 90, ch. 105, R. S.]

781. BONDS—HOW PAID.] § 3. For the purpose of providing for the payment of the interest on such bonds as it falls due, and also to pay and discharge the principal thereof, as the same shall mature, any such board of park commissioners are hereby required each year to appropriate from any annual park tax, not heretofore specifically appropriated by law, which may now or hereafter be authorized and directed to be levied upon the taxable property in any such town, whether the same be known as "boulevard and park tax" or otherwise, a sum sufficient to meet the interest upon such bonds as it may accrue, and to provide a sinking fund for the purpose of paying the principal of such bonds, as they shall mature or become due, according to the provisions of this act. [§ 91, ch. 105, R. S.]

782. WHAT BONDS TO CONTAIN—SINKING FUND STATEMENT—PAYMENT.] § 4. Any and all bonds which shall be issued in accordance with the provisions of this act shall contain the condition that, upon

the expiration of five years after the date of such bonds, and upon the expiration of each successive year thereafter, such board of park commissioners shall, at an open meeting of the board of such park commissioners, select by lot so many and such an amount of such bonds as may be required to absorb the sinking fund hereinbefore provided; and the principal of the bonds so selected shall become due and payable at the date of the next installment of interest maturing on the several bonds, so selected from time to time, and shall cease to bear interest after they severally become due and payable by reason of such selection. Such board of park commissioners, immediately after making such selection, shall make and sign in duplicate a statement of the result thereof, and shall file one copy thereof in the office of the town clerk of such town, and the other copy shall be filed in the office of the county clerk of the county in which any such town shall be located; and it is hereby made the duty of such board of park commissioners to pay and discharge the principal of the bonds selected, at the date of the next installment of interest maturing on the bonds so selected, from the sinking fund hereinbefore provided for that purpose. [§ 92, ch. 105, R. S.]

783. PURCHASE OF BONDS BY PARK COMMISSIONERS.] § 5. Any such board of park commissioners is hereby empowered, after the expiration of one year and at any time before five years, from the date of any bonds authorized to be issued according to the provisions of this act, to purchase a sufficient number and amount of such bonds then outstanding as will absorb the annual sinking fund required by the provisions of this act: *Provided*, that such board of park commissioners shall not be authorized to pay for the bonds authorized by this section to be purchased, more than the fair market value thereof at the date of such purchase. [§ 93, ch. 105, R. S.]

784. EMERGENCY.] § 6. Whereas, there is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists, and this act shall take effect and be in force from and after its passage. [§ 94, ch. 105, R. S.]

SCHOOLS—ACTS CONCERNING PUBLIC SCHOOLS WITHIN MUNICIPALITIES. [PARAGRAPHS 785-856.]

SCHOOLS IN INCORPORATED CITIES AND VILLAGES.

An Act to establish and maintain a system of free schools. [Approved and in force May, 21, 1899, L. 1899, p. 253.]

ARTICLE VI.

BOARD OF EDUCATION.

785. SCHOOL LAW APPLICABLE TO CITIES AND VILLAGES.] § 1. Incorporated cities and villages, except such as now have charge and control of free schools by special acts, shall be and remain parts of the school townships in which they are respectively situated and be subject to the general provisions of the school law, except as otherwise provided in this article. [§ 157, ch. 122, R. S.]

786. BOARD OF EDUCATION IN DISTRICTS OF 1,000 AND NOT OVER 100,000 INHABITANTS.] § 2. In all school districts having a population of not less than 1,000 and not over 100,000 inhabitants and not governed by any special act in relation to free schools now in force, there shall be elected, instead of the directors provided by law in other districts, a board of education, to consist of a president of the board of education, six members and three additional members for every additional 10,000 inhabitants. Whenever additional members of such board of education are to be elected by reason of increased population of such district, such members shall be elected on the third Saturday of April succeeding the ascertaining of such increase by any special or general census, and the notice of such election shall designate the term for which the members are to be elected, so that one-third of the board shall be elected for each year: *Provided*, that in no case shall said board consist of more than 15 members. [§ 158, ch. 122, R. S.]

787. ELECTION OF PRESIDENT OF BOARD.] § 3. The president of said board of education shall be elected annually, at the same time the members of the board of education are elected, and he shall hold his office for the term of one year, and until his successor is elected and qualified. [§ 159, ch. 122, R. S.]

788. DUTIES OF PRESIDENT OF BOARD.] § 4. The president of the board of education so elected, shall preside at all meetings of said board and shall give the casting vote in case of a tie between the members thereof; but otherwise he shall not have a vote. He shall sign all orders for the payment of money ordered by said board, and generally perform such duties as are imposed by law upon presidents of boards of directors, or that may be imposed upon him by said board of education, not in conflict with law: *Provided*, that in the absence or inability to act as said president, said board may appoint a president *pro tempore* from their number. [§ 160, ch. 122, R. S.]

789. ELECTION AND TERMS OF MEMBERS.] § 5. The annual election of members of the board of education shall be on the third Saturday in April, when one-third of the members shall be elected for three years and until their successors are elected, and qualified. [§ 161, ch. 122, R. S.]

790. NOTICE OF ELECTION.] § 6. Notice of such election shall be given by the board of education at least ten days previous to such election by posting notices in at least three of the most public places in said district which shall specify the place where such election is to be held, the time of opening and closing the polls and the purpose for which such election is held, which notice may be in the following form, to-wit:

Public notice is hereby given, that on Saturday the day of April A. D. an election will be held at between the hours of and of said day, for the purpose of electing a president of the board of education of district No. township No. range No. and members of the board of education of said district.

Dated this day of A. D. A B *President.*
C D *Clerk.*

[§ 162, ch. 122, R. S.]

791. FAILURE TO GIVE NOTICE.] § 7. In case of a failure to give the notice above provided for, such election may be held on any Saturday after such notice has been given as aforesaid. [§ 163, ch. 122, R. S.]

792. ELECTION—HOW CONDUCTED.] § 8. Such election shall be conducted in the same manner and be governed by the provisions of this act, relating to the election of boards of directors, except as otherwise provided by law. [§ 164, ch. 122, R. S.]

793. FIRST ELECTION—TO SUCCEED DIRECTORS—TERMS OF OFFICE.] § 9. At the first election of directors succeeding the passage of this act, in any district having a population of not less than 1,000 inhabitants by the census of 1880, and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than 1,000 inhabitants at the first election of directors occurring after taking such special or general census there shall be elected a board of education, who shall be the successors of the directors of the district; and all rights of property and all rights or causes of action existing or vested in such directors, shall vest in said board of education, in as full and complete a manner as was vested in the school directors. Such board, at its first meeting, shall fix, by lot, the terms of office of its members, so that one-third of them shall serve for one year, one-third for two years, and one-third for three years, and thereafter one-third shall be elected annually on the third Saturday in April, to fill the vacancies occurring, and to serve for the term of three years. § 165, ch. 122, R. S.

794. POWERS OF BOARD OF EDUCATION.] § 10. The board of education shall have all the powers of the school directors and in addition thereto and inclusive thereof they shall have the power and it shall be their duty:

First—To establish and support free schools not less than six nor more than ten months in each year.

Second—To repair and improve school houses and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.

Third—To examine teachers as supplemental to any other examination; to employ teachers, and to fix the amount of their salaries.

Fourth—To establish schools of different grades, and make regulations for the admission of pupils into the same.

Fifth—To buy or lease sites for school houses, with the necessary grounds: *Provided*, it shall not be lawful for such board of education to purchase or to locate a school house site or to purchase, build or move a school house, unless authorized by a majority of all the voters voting at an election called for such purpose in pursuance of a petition signed by not less than five hundred (500) legal voters of such district, or by one-fifth of all the legal voters of such district.

Sixth—To levy a tax annually, upon the taxable property of the district, in the manner provided in Article VIII of this act, for the purpose of supporting and maintaining free schools in accordance with the powers herein conferred: *Provided*, that it shall not be

lawful for such board of education to levy a tax to extend schools beyond a period of ten months in each year, except upon petition of a majority of the voters of the district: *And provided, further*, that all taxes shall be levied under the limitations relating to the percentage of the assessment, as provided by section 1, article VIII, of this act.

Seventh—To employ, should they think it expedient, a competent and discreet person or persons as superintendent or superintendents of schools, fix and pay a proper salary or salaries therefor. Such superintendent may be required to act as principal or teacher in such schools.

Eighth—To lay off and divide the district into sub-districts, and from time to time, alter the same, create new ones and consolidate them.

Ninth—To visit all the public schools as often as once a month to inquire into the progress of scholars and the government of the schools.

Tenth—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

Eleventh—To expel any pupil who may be guilty of gross disobedience or misconduct. No action shall lie against them for such expulsion.

Twelfth—To dismiss and remove any teacher whenever in their opinion he or she is not qualified to teach, or whenever, from any cause, the interest of the school may, in their opinion, require such removal or dismissal.

Thirteenth—To apportion the scholars to the several schools.

Fourteenth—To establish and promulgate all such by-laws, rules and regulations for the government and the establishment and maintenance of a proper and uniform system of discipline in the several schools, as may in their opinion be necessary.

Fifteenth—To take charge of the school houses, furniture, grounds and other property belonging to the district, and see that the same are kept in good condition, and not suffered to be unnecessarily injured and deteriorated.

Sixteenth—To provide fuel and such other necessities for the schools as in their opinion may be required in the school houses or other property belonging to or under the control of the district.

Seventeenth—To appoint a secretary and provide well bound books at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings.

Eighteenth—To annually prepare and publish in some newspaper, or in pamphlet form a report of the number of pupils instructed in the year preceding, the several branches of study pursued by them, of the number of persons between the ages of 12 and 21 unable to read and write, and the receipts and expenditures of each school,

specifying the source of such receipts and the object of such expenditures. [As amended by act approved June 19, 1893, in force July 1, 1893. L. 1893, p. 179. § 166, ch. 122, R. S.]

795. YEAS AND NAYS.] § 11. In all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board. [§ 167, ch. 122, R. S.]

796. POWERS EXERCISED ONLY AT MEETINGS.] § 12. None of the powers herein conferred upon boards of education shall be exercised by them, except at a regular or special meeting of the board. [§ 168, ch. 122, R. S.]

797. CONVEYANCES—HOW MADE.] § 13. All conveyances of real estate shall be made to the township trustees in trust for the use of schools, and no conveyance of any real estate or interest therein used for school purposes, or held in trust for schools, shall be made, except by the board of trustees, upon the written request of such board of education. [§ 169, ch. 122, R. S.]

798. SCHOOL FUND SUBJECT TO ORDER OF BOARD.] § 14. All money raised by taxation for school purposes, or received from the State common school fund, or from any other source, for school purposes, shall be held by the township treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants signed by the president and secretary thereof. [§ 170, ch. 122, R. S.]

799. SPECIAL LAW MAY BE ABANDONED.] § 15. Any city, incorporated town, township or district in which free schools are now managed under any special act, may, by vote of its electors, cease to control such schools under such special act and become a part of the school township in which it is situated, and subject to the control of the trustees thereof, under and according to the provisions of this act.

Upon petition of 50 voters of such city, town, township or district, presented to the board having the control and management of schools in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town or township, or district, to cause to be submitted to the voters thereof, giving not less than 15 days' notice thereof, by posting not less than five notices, in the most public places in such city, town, township or district, the question of "Organization under the Free School Law," which notice may be in the following form, to-wit:

Public notice is hereby given that on the day of A. D. an election will be held at between the hours of m. and m. of said day, for the purpose of deciding the question of "Organization under the Free School Law."

§ 171, ch. 122, R. S.

800. ORGANIZATION UNDER GENERAL LAW.] § 16. If it shall appear, on a canvass of the returns of such election that a majority of the votes cast at such election are "For organization under the Free School Law," then at the next ensuing regular meeting of the board of trustees of the township or townships in which such city, incorporated town, township or district is situated, said trustees shall proceed to redistrict the township or townships, as aforesaid, in such

manner as shall suit the wishes and convenience of a majority of the inhabitants in their respective townships, and to make a division of funds and other property in the manner provided for by section 63 of Article III of this act, and on any Saturday thereafter there shall be elected in each of the new districts so formed, a director, directors, or board of education, as the case may be, in the manner provided for in section 6 of Article V of this act, and thereafter such districts shall proceed as other districts under this act; but all subsequent elections of directors or boards of education shall be conducted as provided for in sections 5 and 8 of Article V of this act. [§ 172, ch. 122, R. S.]

801. BOARD IN CITIES OF 100,000 INHABITANTS—ELECTION AND TERMS OF MEMBERS.] § 17. In cities having a population exceeding 100,000 inhabitants from and after this act shall take effect, the board of education shall consist of 21 members, to be appointed by the mayor, by and with the advice and consent of the common council, seven of whom shall be appointed for the term of one year, seven for the term of two years, and seven for the term of three years: *Provided, however,* that in such cities wherein there is now a board of education, holding their office by appointment, such officers shall continue in office until the time at which their terms would have expired under the law in force at the time of their appointment. At the expiration of the term of any members of said board, their successors shall be appointed in like manner and shall hold their office for the term of three years. Any vacancy which may occur shall be filled by the appointment of the mayor, with the approval of the common council for the unexpired term: *And, provided further,* that from and after this act shall take effect there shall be appointed by the mayor, by and with the advice and consent of the common council, six members, two of whom shall be appointed for the term of one year, two for the term of two years, and two for the term of three years. [As amended by act approved June 22, 1891; in force July 1, 1891; L. 1891, p. 195; § 173, ch. 122, R. S.]

802. WHO ELIGIBLE TO MEMBERSHIP.] § 18. Any person having resided in any such city more than five years next preceding his appointment, shall be eligible to membership of such board of education. [§ 174, ch. 122, R. S.]

803. ORGANIZATION OF BOARD.] § 19. The said board of education shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employes as such board shall deem necessary, and shall prescribe their duties, and compensation and terms of office. [§ 175, ch. 122, R. S.]

804. BOOKS—RECORDS—YEAS AND NAYS.] § 20. The said board shall provide well bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken and entered on the records of the proceedings of the board upon all questions involving the expenditure of money. [§ 176, ch. 122, R. S.]

805. POWER OF BOARD WITH CONCURRENCE OF CITY COUNCIL.] § 21. The said board of education shall have charge and control of the public schools in such cities, and shall have power with the concurrence of the city council:

First—To erect or purchase buildings suitable for school houses and keep the same in repair.

Second—To buy or lease sites for school houses with the necessary grounds. If said board of education shall be unable to agree with the owner or owners for the purchase of such site, then, with the concurrence of the city council, it may acquire the title to said site in the manner that may be now or hereafter provided for by any law of eminent domain. Such proceedings to condemn shall be in the name of said city in trust for the use of the schools.

Third—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds, to borrow money for school purposes upon the credit of the city. [As amended by act approved April 22, 1899; in force July 1, 1899; L. 1899, p. 349; § 177, ch. 122, R. S.

806. POWERS OF BOARD.] § 22. The said board of education shall have power—

First—To furnish schools with the necessary fixtures, furniture and apparatus.

Second—To maintain, support and establish schools, and supply the inadequacy of the school funds for the salaries of school teachers from school taxes.

Third—To hire buildings or rooms for the use of the board.

Fourth—To hire buildings or rooms for the use of schools.

Fifth—To employ teachers and fix the amount of their compensation.

Sixth—To prescribe the school books to be used, and the studies in the different schools.

Seventh—To lay off and divide the city into school districts, and from time to time to alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be deemed necessary and expedient for such purpose.

Eighth—To expel any pupil who may be guilty of gross disobedience or misconduct.

Ninth—To dismiss and remove any teacher whenever, in their opinion, he or she is not qualified to teach, or whenever, from any cause, the interests of the school may, in their opinion, require such removal or dismission.

Tenth—To apportion the scholars to the several schools.

Eleventh—To lease school property, and to loan moneys belonging to the school fund. [§ 178, ch. 122, R. S.

807. DUTY OF BOARD.] § 23. It shall be the duty of such board of education:

First—To take the entire superintendence and control of the schools in such cities.

Second—To examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates gratuitously.

Third—To visit all the public schools as often as once a month.

Fourth—To establish all such by-laws, rules and regulations for the government, and for the establishment, and maintenance of a proper and uniform system of discipline in the several schools as may, in their opinion, be necessary.

Fifth—To determine, from time to time, how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation.

Sixth—To take charge of the school houses, furniture, grounds, and other property belonging to the school districts, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated.

Seventh—To provide fuel, and such other necessities for the schools as, in their opinion, may be required in the school houses, or other property belonging to the said districts.

Eighth—To inquire into the progress of scholars and the government of the schools.

Ninth—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

Tenth—To prescribe what studies shall be taught, and what books and apparatus shall be used.

Eleventh—To report to the city council, from time to time, any suggestions they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of new schools and districts.

Twelfth—To prepare and publish an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts, and the object of such expenditures.

Thirteenth—To communicate to the city council, from time to time, such information within their possession as may be required. [§ 179, ch. 122, R. S.]

808. POWERS EXERCISED ONLY AT MEETINGS.] § 24. None of the powers herein conferred upon the board of education of such cities shall be exercised by them except at a regular meeting of such board. [§ 180, ch. 122, R. S.]

809. CONVEYANCES—HOW MADE.] § 25. All conveyances of real estate shall be made to, and the title of all such as shall be acquired by condemnation shall rest in, the city in trust for the use of the schools, and no sale of real estate or interest therein used for school

purposes or held in trust for schools shall be made, except by the city council, upon the written request of such board of education. [As amended by act approved April 22, 1899. In force July 1, 1899. L. 1899, p. 349; § 181, ch. 122, R. S.]

810. MONEYS HELD BY CITY TREASURER AS A SPECIAL FUND.] § 26. All moneys raised by taxation for school purposes or received from the State common school fund, or from any other source, for school purposes, shall be held by the city treasurer, as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city comptroller, if there shall be any city comptroller appointed, if not, then by the city clerk. [As amended by act approved April 22, 1899. In force July 1, 1899. L. 1899, p. 349; § 182, ch. 122, R. S.]

811. BOARD OF EDUCATION—LIMIT AS TO EXPENDITURES.] § 27. Said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the State common school fund the rental of school lands or property, and the amount annually appropriated for such purposes. If said board shall so add to such expenditure the city shall not, in any case, be liable therefor. And nothing herein contained shall be construed so as to authorize any such board of education to levy or collect any tax upon the demand, or under the direction of such board of education. [§ 183, ch. 122, R. S.]

812. NO POWER GIVEN TO BOARD TO BE EXERCISED BY CITY.] § 28. All schools in such cities shall be governed as hereinbefore stated, and no power given to the board of education shall be exercised by the city council of such city. [§ 184, ch. 122, R. S.]

§ 1813. BOARD OF EDUCATION—EXAMINATION OF TEACHERS—CERTIFICATES.] § 29. Boards of education in all cities having but one board exercising jurisdiction over the schools of the district of which said city may be a whole or part, and having a population exceeding 30,000 and not exceeding 100,000 inhabitants, as shown by the last preceding federal or school census, shall have power to examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates. Any such certificate shall be held to authorize the teacher having the same to teach only in the schools of such district, and to entitle such teacher to receive compensation therefor from the public school fund. The examination herein provided for shall in every case extend to and include all the branches enumerated in the examination now, or which shall be hereafter required, by general law to be given by county superintendents, and shall not be construed so as to dispense with the teaching in the public schools of this State of any study which is now, or may hereafter be prescribed by general law. Every applicant for a teacher's certificate shall pay to the board of education the fees which may be required to be paid to county superintendents by general law, and said board shall transmit the same monthly to said county superintendent. [Added by act approved April 24, 1899; In force July 1, 1899; L. 1899, p. 344. § 184a, ch. 122, R. S.]

814. REPEAL.] § 2. All acts and parts of acts in conflict with this act are hereby repealed. [Added by act approved April 24, 1899; in force July 1, 1899; L. 1899, p. 344. § 184b, ch. 122, R. S.]

ARTICLE XIV.

FINES AND FORFEITURES IMPOSED OR INCURRED UNDER ORDINANCES.

815. TO BE PAID TO SUPERINTENDENT OF SCHOOLS—DISTRIBUTION OF.] § 1. All fines, penalties and forfeitures imposed or incurred in any of the courts of record, or before any justice of the peace of this State, except fines, forfeitures and penalties incurred or imposed in incorporated towns or cities for the violation of the by-laws or ordinances thereof, shall when collected, be paid to the county superintendent of schools of the county wherein such fines, penalties or forfeiture have been imposed or incurred, and the said county superintendent of schools shall give his receipt therefor to the person from whom such fine, forfeiture or penalty was received. The said county superintendent shall annually distribute such fines, penalties or forfeitures in the same manner as the common school funds of the State are distributed. [§ 269, ch. 122, R. S.]

ARTICLE XVI.

816. CONSTRUCTION OF SCHOOL LAW—SAVING RIGHTS OF CITIES, ETC.] § 7. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities having less than 100,000 inhabitants or incorporated towns, townships or districts except that in every such city, town, township or district the limit of taxation for educational and building purposes shall be the same as that fixed in section one, article eight of this act; and except that it shall be the duty of the several boards of education or other officers of any city or incorporated town, township or district, having in charge schools under the provision of any of said special acts, or of any ordinance of any city or incorporated town on or before the 15th day of July preceding each session of the General Assembly of this State, or annually, if required so to do by the State Superintendent of Public Instruction, to make out and render a statement of all such statistics and other information in regard to schools and the enumeration of persons, as is required to be communicated by township boards of trustees or directors, under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or incorporated town is situated; nor shall it be lawful for the county superintendent, or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education, or other officer or person of any township, city or incorporated town, unless a report of the number of persons and other statistics relative to schools, and a statement of such other information as is required by the board of trustees or of directors, as aforesaid, and of other school officers and

teachers, under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the superintendent of the proper county as aforesaid. [As amended by act approved and in force March 31, 1891. L. 1891, p. 198; [§ 295, ch. 122, R. S.]

MEMBERS OF COMMON COUNCIL EX OFFICIO SCHOOL DIRECTORS—HOW APPOINTED.

AN ACT to provide for the appointment of school directors, and members of the board of education in certain cases. [Approved May 28, 1879, in force July 1, 1879. As amended by act approved May 31, 1881, in force July 1, 1881.]

817. SCHOOL DIRECTORS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases whereby the provisions of any general or special law of this State heretofore passed, the members of the common council of any city have been made ex officio school directors, or members of the board of education in and for the school district of which the said city shall constitute the whole or a part, the said school directors or members of the board of education shall hereafter be appointed as hereinafter provided. [§ 309, ch. 122, R. S.]

818. SCHOOL DIRECTORS—HOW APPOINTED.] § 2. It shall be the duty of the mayor of such city, at the first regular meeting of the city council, after each annual municipal election, and after his installation into office, to nominate and place before the council for confirmation as school directors, or members of the board of education, as the case may be, one person from each ward of said city to serve for two years, and one person from the city at large to serve for one year, and if the persons so appointed shall be confirmed by a majority vote of the city council, to be entered of record, the persons so appointed, together with such persons theretofore appointed under the provisions of the act to which this is an amendment, whose terms of service shall not expire within one year, shall constitute the board of education or school directors for such district: *Provided*, that the person appointed from the city at large for one year shall be president of said board of education or school directors, but shall have no vote in such board excepting in case of a tie: *And provided further*, that the term of office of all persons heretofore appointed under the provisions of the act to which this is an amendment, whose term of office expires within one year, shall terminate at the first regular meeting of the city council after the annual meeting, and upon the appointment and confirmation of their successors. [As amended by act approved and in force May 28, 1889. L. 1889, p. 236. § 310, ch. 122, R. S.]

819. ORGANIZATION OF BOARD—POWERS—DUTIES.] § 3. The said persons shall as soon as practicable after their appointment organize by electing one of their number secretary, who shall hold his office for one year. All rights, powers and duties heretofore exercised by, and devolved upon, the members of the city council as *ex officio* members of the board of education or school directors, shall devolve upon and be exercised by the members of the board of education and school directors appointed under the provisions of this act. [As amended by act approved and in force May 28, 1889. L. 1889, p. 236; § 311, ch. 122, R. S.]

820. CERTIFICATE OF TAX—LIMITATION.] § 4. In all school districts to which this act shall apply, the boards of education or school directors shall annually, before the first day of August, certify to the city council under the hands and seals of the president and secretary of the board, the amount of money required to be raised by taxation for school purposes in said district for the ensuing year, and the said city council shall thereupon cause the said amount to be levied and collected in the same manner now provided by law for the levy and collection of taxes for school purposes in such district, but the amount to be so levied and collected shall not exceed the amount now allowed to be collected for school purposes by the general school laws of this State; and when such taxes have been collected and paid over to the treasurer of such city or school district, as may be provided by the terms of the act under which such district has been organized, such funds shall be paid out only on the order of the board of education or school directors, signed by the president and secretary of such board. [§ 312, ch. 122, R. S.,

TRUANT OFFICERS TO BE APPOINTED IN CITIES. ETC.

AN ACT to promote attendance of children in schools and to prevent truancy. [Approved June 11, 1897; in force July 1, 1897; L. 1897, p. 296.]

821. CHILDREN MUST BE SENT TO SCHOOL AT LEAST SIXTEEN WEEKS EACH YEAR—WHO EXCEPTED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person having control of any child between the ages of seven (7) and fourteen (14) years shall annually cause such child to attend for at least sixteen (16) weeks, twelve (12) weeks of which attendance shall be consecutive, some public or private school, which time, for pupils under ten (10) years of age, shall commence with the beginning of the first term of the school year of such school, and not later than December 1st of said school year for pupils above the age of ten (10) years, or as soon thereafter as due notice shall be served upon the person having such control of his duty under this act: *Provided*, that this act shall not apply in any case when the child has been or is being otherwise instructed, for a like period of time in each and every year, in the elementary branches of education by a person or persons competent to give such instruction; or whose physical or mental condition renders his or her attendance impracticable or inexpedient, or who is excused for sufficient reason by any competent court of record. [§ 313, ch. 122, R. S.

822. PENALTY.] § 2. For every wilful neglect of such duty as prescribed by section one (1) of this act the person so offending shall forfeit to the use of the public school of the city, town or district in which such child resides, a sum not less than one (1) dollar nor more than five (5) dollars, and costs of suit, and shall stand committed until such fine and costs of suits are fully paid. [§ 314, ch. 122, R. S.

823. BOARD TO APPOINT TRUANT OFFICER—DUTY OF—WHEN PARENT MAY TAKE TRUANT CHILD FROM SCHOOL.] § 3. The board of education in cities, towns, villages and school districts and the

board of school directors in school districts, shall appoint at the time of appointment or election of teachers each year, one or more truant officers whose duty it shall be to report all violations of this act to said board of education or board of directors and to enter complaint against and prosecute all persons who shall appear to be guilty of such violation. It shall also be the duty of said truant officers so appointed, to arrest any child of school going age that habitually haunts public places and has no lawful occupation, and also any truant child who absents himself or herself from school, and to place him or her in charge of the teacher having charge of any school which said child is by law entitled to attend, and which school shall be designated to said officer by the parent, guardian or person having control of said child. In case such parent, guardian or person shall designate a school without making or having made arrangements for the reception of said child in the school so designated, or in case he refuses or fails to designate any school, then such truant officer shall place such child in charge of the teacher of the public school. And it shall be the duty of said teacher to assign said child to the proper class, and to instruct him or her in such studies as he or she is fitted to pursue. The truant officers so appointed shall be entitled to such compensation for services rendered under this act as shall be determined by the boards appointing them, and which compensation shall be paid out of the distributable school fund: *Provided*, that nothing herein contained shall prevent the parent, guardian or person having charge of such truant child, which has been placed in any school by the truant officer, to thereafter send said child to any other school which said child is by law entitled to attend. [§ 315, ch. 122, R. S.]

824. PENALTY FOR PERSON HAVING CONTROL OF CHILD MAKING FALSE STATEMENT.] § 4. Any person having control of a child who, with intent to evade the provisions of this act, shall make a wilfully false statement concerning the age of such child, or the time such child has attended school, shall for such offense forfeit a sum of not less than three (3) dollars nor more than twenty (20) dollars for the use of the public schools of such city, town, village or district. [§ 316, ch. 122, R. S.]

825. FINES—HOW RECOVERED—USE OF.] § 5. Any fine and penalty mentioned in this act may be sued for and recovered, before any court of record or justice of the peace of the proper county, in the name of the people of the State of Illinois for the use of the public schools of the city, town, village or district in which said child resides. [§ 317, ch. 122, R. S.]

826. REPEAL.] § 6. An act entitled "An act concerning the education of children," approved June 19, 1893, in force July 1, 1893, is hereby repealed. [§ 318, ch. 122, R. S.]

SCHOOL INSPECTORS IN CERTAIN CITIES.

AN ACT extending the powers of boards of school inspectors elected under special acts
[Approved and in force June 12, 1893. L. 1893, p. 176.]

827. BOARDS OF SCHOOL INSPECTORS IN CITIES, ETC., 20,000 AND LESS THAN 100,000 INHABITANTS—POWER OF SCHOOL INSPECTORS.]
§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities in this State having over 20,000, and less than 100,000 inhabitants, whose schools are now operated under special law, and where, by such law, territory outside of the city limits is added to the territory within the city for school purposes, and where such school district or districts is not co-extensive with the township in which such city is situated, and where by such special law, boards of school inspectors, consisting of six members (three in each of two districts) are elected, the provisions of any such special law dividing such territory into two districts shall be held to be only for the purpose of electing members of the board of school inspectors, and for all other purposes the territory in two such districts shall be held to be included in one school organization, and the board of school inspectors in addition to the other powers given by such special law, and the general school laws, shall have power to employ teachers, janitors and such other employes as such board shall deem necessary, and to fix the amount of their compensation; to buy or lease sites for school houses, with the necessary grounds; to build, erect, lease or purchase buildings suitable for school houses; to repair and to improve school houses, and to furnish them with the necessary supplies, fixtures, apparatus, libraries and fuel, and it shall be the duty of such board to take the entire supervision and control of the schools in such district or districts. [As amended by act approved and in force June 11, 1897. L. 1897, p. 292; § 355, ch. 122, R. S.]

828. MONEY—HOW RAISED AND HELD.] § 2. All money necessary for the purposes mentioned in section one of this act shall be raised as now provided by law, not to exceed the amount by law limited, and shall be held by the treasurer as a special fund for school purposes, subject to the order of school inspectors, upon warrants to be countersigned by the mayor and city clerk. [§ 356, ch. 122, R. S.]

829. RECORD OF PROCEEDINGS—WHAT TO CONTAIN.] § 3. The said board shall provide well bound books at the expense of the school tax fund, in which shall be kept a faithful record of all of its proceedings. The yeas and nays shall be taken and entered on the record of the proceedings of the board upon all questions involving the expenditure of money. [§ 357, ch. 122, R. S.]

830. EMERGENCY] § 4. Whereas, an emergency exists, therefore this act shall take effect, and be in force from and after its passage. [§ 358, ch. 122, R. S.]

SCHOOL INSPECTORS IN CERTAIN DISTRICTS.

AN ACT increasing the number of school inspectors, elected under special acts, from six to seven members. [Approved and in force March 6, 1895; L. 1895, p. 99.]

831. INCREASES THE NUMBER OF SCHOOL INSPECTORS, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities in this State having over 10,000 and less than 100,000 inhabitants, whose schools are now operated under special law, and where, by such special law, boards of school inspectors consisting of six members (three in each of two districts) are elected, such boards shall hereafter consist of seven members; and at the time other members of such boards are elected in April, 1895, and each three years thereafter, such additional member shall be elected for a term of three years, by all the voters entitled to vote at school elections of the entire school territory embraced in said two districts: and whenever such additional member is to be elected, he shall be designated and voted for as "member of board of school inspectors at large." [§ 381a, ch. 24, R. S.]

832. EMERGENCY.] § 2. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage. [§ 381b, ch. 24, R. S.]

SCHOOL TAXES IN CERTAIN DISTRICTS.

AN ACT giving cities organized under special charters and having the government of public schools under such charters, the government of public schools in any territory annexed to said cities, with the right to levy and assess taxes for school purposes against the property in said territory so annexed. [Approved April 12, 1899; in force July 1, 1899; L. 1899, p. 245.]

833. RIGHT TO LEVY AND ASSESS TAXES FOR SCHOOL PURPOSES AGAINST PROPERTY.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities in this State, having a population of less than 20,000, and incorporated under any special law, whose public or common schools within the corporate limits of said city are governed by virtue of such special acts, where any territory has been heretofore, or may hereafter be annexed to said city for general corporate purposes, such territory so annexed shall be included in, and shall be subject to the control and government of said cities for school purposes upon petition signed by a majority of the legal voters in the territory to be annexed, as fully and to the same extent as if the said territory were originally within the corporate limits of said city as created by such special acts, and said territory when so annexed shall thereby become disconnected from any school district to which, prior to such annexation, it may have been connected or belonged. [§ 381c, ch. 24, R. S.]

834. RIGHT OF CITIES REFERRED TO IN SECTION 1, TO LEVY TAXES FOR SCHOOL PURPOSES, ETC.] § 2. All cities referred to in section 1 of this act shall have the right to levy, assess and collect taxes for school purposes in the territory so annexed, in the same manner, and as fully and to the same extent as the said cities may now have said right over the territory comprised within the original corporate limits of said cities. [§ 381d, ch. 24, R. S.]

BOARDS OF EDUCATION IN CERTAIN CITIES, ETC.

AN ACT to give cities, incorporated towns, townships and districts in which free schools are now managed under special acts, authority to elect boards of education having the same powers as boards of education now elected under the general free school laws of this State. [Approved and in force June 2, 1891. L. 1891, p. 194.]

835. BOARDS OF EDUCATION IN CITIES, ETC., OF 1,000 AND NOT OVER 20,000 INHABITANTS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city, incorporated town, township or district having a population of not less than 1,000 and not over 20,000 inhabitants, in which free schools are now managed under any special act, may by vote of its electors determine to elect, instead of the directors or other governing or managing board, now provided for by such special act, a board of education which shall be elected at the time and in the manner and have the powers now conferred by law upon boards of education of districts not governed by any special act. [§ 351, ch. 122, R. S.]

836. BOARDS OF EDUCATION—ELECTION—NOTICE.] § 2. Upon petition of 50 voters of such city, town, township or district, presented to the board having the control and management of school in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town, township or district, to cause to be submitted to the voters thereof, giving not less than 15 days' notice thereof, by posting not less than five notices in the most public places in such city, town, township or district, the question of "electing a board of education having the powers conferred upon such boards in districts organized under the free school laws," which notice may be in the following form, to-wit:

Public notice is hereby given that on the day of A. D. an election will be held at between the hours of m. and m. of said day for the purpose of deciding the question of "electing a board of education having the powers conferred upon such boards in districts organized under the free school law."

If it shall appear upon a canvass of the returns of such election that a majority of the votes cast at such election are "for electing a board of education having the powers conferred upon such boards in districts organized under the free school law," then at the time of the next regular election for boards of education under the free school law there shall be elected a board of education for such district; and should there not be sufficient time to give the notice required by law for such election, then such election may be held on any Saturday thereafter, but all subsequent elections shall be held at the time provided by the free school law. [§ 352, ch. 122, R. S.]

837. REPEAL.] § 3. All acts and parts of acts in conflict with this act are hereby repealed. [§ 353, ch. 122, R. S.]

838. EMERGENCY.] § 4. Whereas, an emergency exists requiring this act to take immediate effect, therefore be it enacted that this act shall be in force from and after its passage. [§ 354, ch. 122, R. S.]

BOARDS OF EDUCATION IN CERTAIN SCHOOL DISTRICTS.

AN ACT to provide for the election of boards of education in school districts organized under special acts of the Legislature of this State where such school districts are maintained under the general school laws of this State and where there is no provision in such special acts for the election of boards of education. [Approved June 10, 1897, in force July 1, 1897. L. 1897, p. 289.]

839. ELECTION OF BOARD OF EDUCATION—ORGANIZATION AND POWERS OF BOARD—TERMS OF OFFICE.] § 1. That hereafter, in all school districts in this State organized under any special law of this State, and maintaining public schools under any general school laws of this State, where there is no provision in said special acts creating such special school districts, for the election of boards of education as otherwise provided, there shall be elected in each of said special school districts, in lieu of the school directors as now provided, a board of education, to consist of seven members to be elected at the time and in the manner as now provided by the general law for the election and qualification of boards of education in other cases: *Provided*, that at the first election of such board, which shall be held on the third Saturday in April A. D. 1898, two of such members shall be elected to serve one year, two to serve two years, and two to serve three years, and a president of such board shall be elected, whose term of office shall be one year; and annually thereafter there shall be elected in said school district two members of such board, whose term of office shall be three years, and there shall also be elected annually thereafter a president of said board. Said board of education, when so elected and qualified, shall have all the powers of trustees of schools in school townships as is now provided by general law. Said board of education, in addition to the powers of trustees aforesaid, shall also have all the powers of school directors as is now provided for by the general school law of this State; and in addition thereto and inclusive thereof, they shall have all the powers and perform all the duties of boards of education in school districts having a population of not less than 1,000 and not over 100,000 inhabitants under the general school law as the same now exists and as set forth in Article VI of the school law, or as shall be conferred by any future alterations thereof by the Legislature. [As amended by act approved and in force May 11, 1901. L. 1901, p. 294; § 427, ch. 122, R. S.]

KINDERGARTEN SCHOOLS.

AN ACT authorizing school districts managed by boards of education and directors to establish and maintain kindergarten schools. [Approved April 17, 1896; in force July 1, 1896. L. 1896, p. 310.]

840. BOARDS OF EDUCATION AND DIRECTORS MAY ESTABLISH KINDERGARTEN SCHOOLS.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in addition to other grades or departments now established and maintained in the public schools of the State, any school district managed by a board of education or board of directors is hereby empowered when authorized by a majority of all the votes cast at an election for that purpose, such election to be called and held in accordance with the provisions of article IX of an act entitled, "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, to establish in connection with the public schools of such district a kindergarten or kindergartens for the instruction of children

between the ages of 4 and 6 years, to be paid for in the same manner as other grades and departments now established and maintained in the public schools of such district. No money accruing to such district from the school tax fund of the State shall be used to defray the tuition or other expenses of such kindergarten, but the same shall be defrayed from the local tax and the special school revenue of said district. [§ 414, ch. 122, R. S.]

841. TEACHERS TO HOLD CERTIFICATES.] § 2 All teachers in kindergartens established under this act shall hold a certificate issued as provided by law, certifying that the holder thereof has been examined upon kindergarten principles and is competent to teach the same. [§ 415, ch. 122, R. S.]

MANUAL TRAINING DEPARTMENTS FOR HIGH SCHOOLS.

AN ACT to provide for the establishment and maintenance of manual training departments for high schools. [Approved June 3, 1897; in force July 1, 1897. L. 1897, p. 283.]

842. HOW MANUAL TRAINING DEPARTMENTS MAY BE ESTABLISHED IN HIGH SCHOOLS.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That upon the petition of not less than 50 voters of any high school district, filed with the township treasurer at least 15 days preceding the regular election of members of the board of education for said high school district, it shall be the duty of said treasurer to notify the voters of said district that an election "For" or "Against" the establishment of a manual training department for said high school will be held at the next annual election of the board of education by posting notices of such election in at least ten of the most public places throughout the township for at least ten days before the day of such regular election, which notice may be in the following form:

HIGH SCHOOL ELECTION.

Notice is hereby given that on Saturday, the day of April, A. D., an election will be held at for the purpose of voting "For" or "Against" the proposition to establish a manual training department for the high school in township No., range No. The polls for said election will be opened at o'clock and closed at o'clock of said day.

.....
Township Treasurer.

§ 424, ch. 122, R. S.

843. HOW BALLOTS CANVASSED.] § 2. The ballots for such election shall be received and canvassed as in other elections, and may have on them the names of the board of education voted for at said election. [§ 425, ch. 122, R. S.]

844. WHEN DUTY OF BOARD OF EDUCATION TO ESTABLISH MANUAL TRAINING DEPARTMENTS.] § 3. If a majority of the votes cast at such election shall be in favor of establishing a manual training department for the high school in said district, it shall be the duty of the board of education to establish and maintain therein such department as part of the high school. [§ 426, ch. 122, R. S.]

PARENTAL OR TRUANT SCHOOLS.

AN ACT to enable Boards of Education or Boards of School Trustees to establish and maintain parental or truant schools. [Approved April 24, 1899. In force July 1, 1899. L. 1899, p. 346.]

845. IN WHAT CITIES AND WHEN TO BE ESTABLISHED—FOR WHAT PURPOSE ESTABLISHED.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in cities having a population of 100,000 inhabitants or more, there shall be established, maintained and conducted, within two years from the date of taking effect of this act, one or more parental or truant schools for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of compulsory school age who may be committed thereto in the manner hereinafter provided. [§ 433, ch. 122, R. S.]

846. HOW SITES, BUILDINGS AND FURNITURE MAINTAINED.] § 2. For the purpose of establishing such school or schools, sites may be purchased and buildings constructed or premises rented in the same manner as is provided for in the case of public schools in such cities; but no such school shall be located at or near any penal institution. And it shall be the duty of the Board of Education to furnish such schools with such furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof. [§ 434, ch. 122, R. S.]

847. SUPERINTENDENT, TEACHERS—COURSE OF INSTRUCTION.] § 3. The Board of Education may also employ a superintendent and all other necessary officers, agents and teachers; and shall prescribe the methods of discipline and the course of instruction; and shall exercise the same powers and perform the same duties as is prescribed by law for the management of other schools. [§ 436, ch. 122, R. S.]

848. RELIGIOUS TRAINING.] § 4. No religious instruction shall be given in said school except such as is allowed by law to be given in public schools; but the Board of Education shall make suitable regulation so that the inmates may receive religious training in accordance with the belief of the parents of such children either by allowing religious services be held in the institution or by arranging for attendance at public service elsewhere. [§ 436, ch. 122, R. S.]

849. WHAT CHILDREN RECEIVED AND HOW ADMITTED.] § 5. It shall be the duty of any truant officer or agent of such Board of Education to petition, and any reputable citizen of the city may petition, the county or circuit court of the county, to inquire into the case of any child of compulsory school age who is not attending school, and who has been guilty of habitual truancy, or of persistent violation of the rules of the public school, and the petition shall also state the names, if known, of the father and mother of such child, or the survivor of them; and if neither father nor mother of such child is living, or can not be found in the county, or if their names can not be ascertained, then the name of the guardian if there be one known; and if there be a parent living whose name can be ascertained, or a guardian, the petition shall show whether or not the father or mother or guardian consents to the commitment of such child to such

parental or truant school. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed the judge of the county or circuit court shall have such child named in the petition brought before him for the purpose of determining the application in said petition contained. But no child shall be committed to such school who has ever been convicted of any offense punishable by confinement in any penal institution. [§ 437, ch. 122, R. S.]

850. ORDER COMMITTING CHILD TO SUCH PARENTAL OR TRUANT SCHOOL TO BE KEPT THERE UNTIL FOURTEEN YEARS OF AGE.] § 6. Upon the finding of such petition the clerk of the court shall issue a writ to the sheriff of the county directing him to bring such child before the court, and if the court shall find that the material facts set forth in the petition are true, and if in the opinion of the court such child is a fit person to be committed to such parental or truant school, an order shall be entered that such child be committed to such parental or truant school, to be kept there until he or she arrives at the age of 14 years, unless sooner discharged in the manner hereinafter set forth. Before the hearing aforesaid notice in writing shall be given to the parent or guardian of such child, if known, of the proceedings about to be instituted, that he or she may appear and resist the same, if they so desire. [§ 438, ch. 122, R. S.]

851. DUTY OF PARENT OR GUARDIAN TO PROVIDE SUITABLE CLOTHING.] § 7. It shall be the duty of the parent or guardian of any child committed to this school to provide suitable clothing upon his or her entry into such school, and from time to time thereafter as it may be needed, upon notice in writing from the superintendent or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing, the same may be provided by the board of education, and such board may have an action against such parent or guardian of said child to recover the cost of such clothing, with 10 per cent additional thereto. [§ 439, ch. 122, R. S.]

852. RULES AND REGULATIONS—WHEN CHILD MAY BE RELEASED ON PAROLE.] § 8. The board of education of such city shall have power to establish rules and regulations under which children committed to such parental or truant school may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under the control of the officers and agents of such school, and subject at any time to be taken back within the enclosure of such school by the superintendent or any authorized officer of said school except as hereinafter provided; and full power to enforce such rules and regulations to retake any such child so upon parole is hereby conferred upon said board of education. No child shall be released upon parole in less than four weeks from the time of his or her commitment, nor thereafter until the superintendent of such parental or truant school shall have become satisfied from the conduct of such child that, if paroled, he or she will attend regularly the public or private school to which he or she may be sent by his or her parents or guardian, and shall so certify to the board of education. [§ 440, ch. 122, R. S.]

853. MONTHLY REPORT OF PAROLED CHILD TO BE SENT BY PRINCIPAL—WHEN MAY BE FINALLY DISCHARGED.] § 9. It shall be the duty of the principal or other person having charge of the school to which such child so released on parole may be sent, to report at least once each month to the superintendent of the parental or truant school, stating whether or not such child attends school regularly, and obeys the rules and requirements of said school; and if such child so released upon parole shall be regular in his or her attendance at school and his or her conduct as a pupil shall be satisfactory for a period of one year from the date which he or she was released on parole, he or she shall then be finally discharged from the parental or truant school, and shall not be re-committed thereto except on petition as hereinbefore provided. [§ 441, ch. 122, R. S.]

854. CHILD VIOLATING PAROLE.] § 10. In case any child released from said school upon parole, as hereinbefore provided, shall violate the conditions of his or her parole at any time within one year thereafter, he or she shall upon the order of the board of education, as hereinbefore provided, be taken back to such parental or truant school, and shall not be again released upon parole within the period of three months from the date of such re-entering; and if he or she shall violate the conditions of a second parole he or she shall be re-committed to such parental or truant school and shall not be released therefrom on parole until he or she shall remain in such school at least one year. [§ 442, ch. 122, R. S.]

855. WHEN CHILD INCORRIGIBLE MAY BE COMMITTED TO SOME JUVENILE REFORMATORY.] § 11. In any case where a child is found to be incorrigible and his or her influence in such school to be detrimental to the interests of the other pupils, the board of education may authorize the superintendent or any officer of the school to represent these facts to the circuit or county court by petition; and the court shall have authority to commit said child to some juvenile reformatory. [§ 443, ch. 122, R. S.]

856. WHEN THE BOARD OF EDUCATION IN CERTAIN CITIES MAY ESTABLISH A PARENTAL OR TRUANT SCHOOL.] § 12. Boards of Education in cities having a population of over 25,000 and less than 100,000, may establish, maintain and operate a parental or truant school for the purposes hereinbefore specified, and in case of the establishment of such a school, the boards of education shall have like power in their respective cities as is herebefore expressed: *Provided*, that no board of trustees or board of education under this section shall put this law into effect until submitted to a vote of the people and adopted by a majority vote at some general election. [§ 444, ch. 122, R. S.]

WATER, HEAT AND LIGHT—ACTS CONCERNING WATERWORKS AND HEATING AND LIGHTING PLANTS. [PARAGRAPHS 857–893.]

MUNICIPALITIES MAY FIX WATER RATES.

AN ACT to enable cities, towns and villages incorporated under any general or special law of this State to fix the rates and charges for the supply of water furnished by any individual, company or corporation to any such city, town or village and the inhabitants thereof. [Approved June 6, 1891; in force July 1, 1891. Laws 1891, p. 86.]

857. MAY FIX RATES FOR WATER SUPPLY.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the corporate authorities of any city, town or village, now or hereafter incorporated under any general or special law of this State, in which any individual, company or corporation has been, or hereafter may be, authorized by such city, town or village to supply water to such city, town or village and the inhabitants thereof, be and are hereby empowered to prescribe by ordinance maximum rates and charges for the supply of water furnished by such individual, company or corporation to such city, town or village and the inhabitants thereof, such rates and charges to be just and reasonable. And in case the corporate authorities of any such city, town or village shall fix unjust and unreasonable rates and charges, the same may be reviewed and determined by the circuit court of the county in which such city, town or village may be. [§ 267f, ch. 24, R. S.]

MUNICIPALITIES MAY CONSTRUCT WATERWORKS.

AN ACT authorizing cities, incorporated towns and villages to construct and maintain waterworks. [Approved and in force April 15, 1873.]

858. POWER TO SUPPLY WATER—LETTING CONTRACT—EMERGENCY.] § 1. That all cities, incorporated towns and villages of this State, be and are hereby authorized and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages by the erection, construction and maintaining of a system of waterworks or by uniting with any adjacent city, incorporated town or village, in the erection, construction and maintaining of a system of waterworks for the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from any adjacent city, incorporated town or village already having waterworks. *Provided*, that all contracts for the erection or construction of such works or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three (3) weeks public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper published in such city, town or village, or if no newspaper is published therein, then in some newspaper published in the county. *And provided, further*, that no member of the city council or board of trustees or mayor shall be directly or indirectly interested in any such contract, and in all cases the council or board of trustees as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

WHEREAS, An emergency exists, therefore this act shall be in force from and after its passage. [As amended by act approved and in force May 14, 1879. L. 1879, p. 64.; § 254, ch. 24, R. S.

859. BORROWED MONEY—TAX.] § 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the erection, construction and maintaining of such waterworks, and appropriate money for the same. [§ 255, ch. 24, R. S.

860. MAY ACQUIRE PROPERTY FOR WORKS, ETC.] § 3. For the purpose of erecting, constructing, locating, maintaining or supplying such waterworks, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such waterworks, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such waterworks, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such waterworks, shall extend ten miles beyond its corporate limits. [§ 256, ch. 24, R. S.

861. RULES—TAX—ASSESSMENT—LIEN.] § 4. The common council of such cities, or trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the common council or board of trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the common council shall, by ordinance, direct and provide. [§ 257, ch. 24, R. S.

862. SPECIAL ASSESSMENT.] § 5. The expense of locating, and erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages. [§ 258, ch. 24, R. S.

863. SEPARATE FUND.] § 6. All the income received by such cities, towns or villages from such water works, from the payment

and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as the common council or board of trustees may direct. [§ 259, ch. 24, R. S.]

864. WHEN ACT NOT APPLY.] § 7. The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works. [§ 260, ch. 24, R. S.]

865. EMERGENCY.] § 8. Whereas, many of the cities embraced in this act are entirely without adequate protection from fires, and are without lawful authority to provide the necessary means of protection authorized by this act; therefore an emergency exists that this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage. [§ 261, ch. 24, R. S.]

MUNICIPALITIES MAY CONTRACT FOR WATER SUPPLY.

AN ACT to enable cities, incorporated towns and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for the water so supplied. [Approved April 9, 1872. In force July 1, 1872. L. 1871-2, p. 271.] This title is as amended by act approved June 26, 1885. In force July 1, 1885. L. 1885, p. 64.]

866. POWER TO CONTRACT FOR WATER.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities, incorporated towns and villages where water works have been, or may hereafter be constructed by any person or incorporated company, the city, town or village authorities in such cities, incorporated towns and villages may contract with such person or incorporated company for a supply of water for public use for a period not exceeding thirty years. [As amended by act approved June 30, 1885. In force July 1, 1885. L. 1885, p. 64; § 266, ch. 24, R. S.]

867. TAX.] § 2. Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied. [§ 267, ch. 24, R. S.]

MUNICIPALITIES MAY PURCHASE OR CONSTRUCT WATERWORKS.

AN ACT to enable cities and villages to buy or construct waterworks, and to provide for the management thereof, and giving them authority to levy an annual tax and to pledge same in payment therefor. [Approved April 19, 1899; in force July 1, 1899. L. 1899, p. 108.]

868. POWER TO LEVY A DIRECT ANNUAL TAX OF NOT MORE THAN ONE PER CENT.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That cities and villages shall have the power to levy, in addition to the taxes now authorized by law, a direct annual tax of not more than 1 cent on the dollar upon all the property within the corporate limits of the city or village, said tax to be payable yearly for a period of not more than 30 years; the proceeds of said tax to be used solely for the purchase or construction of waterworks. [§ 270h, ch. 24, R. S.]

869. CONTRACT FOR PURCHASE OR ERECTION OF WATERWORKS—DIRECT ANNUAL TAX.] § 2. Whenever any city or village desires to avail itself of the provisions of this act, the city council or board of trustees, as the case may be, may, by ordinance or resolution, contract for the purchase or erection of waterworks for a provisionally certain fixed sum, or may so contract for purchase and extension if the plant proposed to be purchased shall be inadequate, and such contract for erection or purchase, together with a report from the city or village engineer recommending the same, shall be published at least once a week for three consecutive weeks in a daily or weekly newspaper published in said city or village, and shall at the same time provide by resolution or ordinance for the levying of a direct annual tax as authorized in section 1 of this act, the total of which said tax for the term levied, together with the annual revenue which is estimated to be derived from the works, shall be sufficient to pay the contract price for the works together with interest on same; but such contract for purchase or erection, and such tax, shall not be valid or binding until confirmed by vote, as follows: [§ 270i, ch. 24, R. S.

870. SUCH CONTRACT AND TAX AFTER ACTION BY THE COUNCIL TO BE SUBMITTED TO VOTERS—MANNER OF SUBMISSION.] § 3. Such contract and tax, after action by the council or trustees as aforesaid shall, before they shall be valid and binding, be submitted for ratification to the voters of the city or village at a regular or special election by giving notice of same, which notice shall specify the character of the said works proposed to be erected or purchased and the amount of tax to be levied, and said notice shall be posted in ten public places within such city or village at least three weeks prior to said election, and also by publication three times in a daily or weekly newspaper published in said city or village, and for three weeks preceding such election there shall be on file in some public place, convenient of access, a full description of works, copy of contract and report of engineer, for the inspection of the voters, and notice of where said plans and specifications are on file shall be included in the notice of election. If three-fourths of all the voters voting on said proposition shall vote in favor of said contract and tax, the same shall be binding and the tax duly levied. The ballots at such election shall read:

" Proposition to construct or purchase (or both) waterworks and levy a tax of annually for years:"	Yes.	No.

[§ 270j, ch. 24, R. S.

871. POWER OF CITY COUNCIL AND BOARD OF TRUSTEES UNDER THIS ACT.] § 4. The city council in cities and the board of trustees in villages shall have the power to carry into execution the contract for the erection or purchase of water works when ratified by the voters, as directed in section 3, and employ a superintendent and

such other employes as may be necessary and proper for the operation of such works for the collection of water rentals and for the conduct of the business necessary to the operation thereof. [§ 270k, ch. 24, R. S.]

872. POWER TO ISSUE BONDS AGAINST TAXES LEVIED.] § 5. The city council in cities and the board of trustees in villages shall have the power to issue bonds against the taxes levied, the same to be payable only out of said special tax when collected and out of the net revenue derived from the operation of said works. [§ 270l, ch. 24, R. S.]

873. BONDS—WHEN TO MATURE—INTERESTS.] § 6. The said bonds shall be made to mature in as nearly as possible equal installments of \$100, or multiples thereof, the first installment to be payable one or two years from date, the last installment within one year after date of the last tax levy provided in the vote authorizing said levy. The bonds shall bear interest at a rate not to exceed six per cent, payable annually or semi-annually, shall be sold for not less than par, or may be paid out at not less than par for the construction or purchase of said works. [§ 270m, ch. 24, R. S.]

874. FORM OF BONDS.] § 7. Said bonds shall be substantially in the following form:

The City or Village County of State of Illinois, for value received hereby promises to pay to bearer hundred dollars, lawful money of the United States of America, on the day of A. D., together with interest at the rate per centum per annum, payable annually on the day of A. D. Both principal and interest payable at the

This bond is one of a series of bonds amounting to dollars, issued by ordinance of the City (or Village) of and is payable solely out of funds derived from special tax levy and net revenue of the water works of the City (or Village) of; the erection or purchase of said works and levy of said tax having been authorized at an election legally called and held on the day of A. D.; and out of no other funds. And it is hereby recited that all acts, conditions and things precedent to and in the issuance of this bond have been properly done, happened and performed in regular and due form as required by law.

In testimony whereof the City Council (or Board of Trustees) has caused this bond to be signed by the Mayor (or President) and countersigned by the Clerk, and caused the seal of the City (or Village) to be affixed this day of A. D.

..... Mayor.
..... Clerk.

Coupons representing the interest shall be attached thereto, which may be signed or bear the lithographed signature of the Clerk of said City or Village. [§ 270n, ch. 24, R. S.]

875. FIXING WATER RENTALS OR RATES.] § 8. The board of trustees or city council shall from time to time fix the water rentals or rates to be charged for the furnishing of water, and such shall be

made sufficient, together with the proceeds of the special tax provided by the act to pay at maturity the interest and principal of bonds issued under the provisions of the act, and also for the proper maintenance and operation of such works, the proper and necessary extension thereof, and for all repairs thereon. [§ 270o, ch. 24, R. S.]

876. WATER DISTRICT CREATED BY TWO OR MORE VILLAGES, ETC.—HOW GOVERNED.] § 9. Any two or more villages or cities adjacent to each other may elect by ordinance to create a water district, said district to be governed by a board of trustees composed of the joint city councils or village boards of each and every such city and village, which said board of trustees shall have the power given to city councils or boards of trustees in this act, and said water districts shall be a body corporate to carry out the provisions of the act, but notice of any election held by such water district under this act shall be given in each and every city and village combining into the district, and if the election shall not carry by three-fourths of all voters voting in each city or village in said district, then the proposed contract and tax shall be considered to have failed of ratification and to be void. [§ 270p, ch. 24, R. S.]

877. THIS ACT CONFERS ADDITIONAL POWERS ON CITY COUNCILS, ETC.] § 10. This act shall be considered as conferring additional power on city councils and boards of trustees, and as in addition to and not limiting powers now given cities and villages, city councils and boards of trustees by law. [§ 270q, ch. 24, R. S.]

MUNICIPALITIES MAY LEASE OR PURCHASE WATER WORKS.

AN ACT to enable cities, incorporated towns and villages to purchase or lease water works. [Approved June 19, 1893. In force July 1, 1893. L. 1893, p. 82.]

878. CITY, ETC., MAY LEASE OR PURCHASE WATER WORKS.] § 1. That in all cities, incorporated towns and villages where water works are now constructed, or may hereafter be constructed by any person or incorporated company, the city, town or village authorities in such cities, towns or villages may purchase or lease such water works from the owner or owners of the same: *Provided*, however, that before such leasing or purchase shall be binding upon said city, incorporated town or village, the city council or the board of trustees shall pass an ordinance including the terms of such lease or purchase, which ordinance shall be published in a newspaper published in said city, incorporated town or village, at least once in each week for two successive weeks, and said ordinance shall be posted for a period of not less than ten days in at least five public places in such city, incorporated town or village.

And if no petition shall be submitted to said city council or board of trustees as hereinafter provided, within 21 days after said ordinance is so published and posted, it shall be lawful for said city council or board of trustees to consummate the leasing or purchase provided for in the ordinance aforesaid. But if within said period of 21 days, there shall be presented to said city council or board of trustees, a petition signed by 20 per cent of the number of voters voting at the last general city, town or village election asking that

the question of such leasing or purchase shall be submitted to a vote; it shall then be the duty of the city council or board of trustees by ordinance to call a special election as may be provided by law to vote upon the question of said lease or purchase, and if it appear that a majority of such voters voting upon such question, at such election, vote in favor of such leasing or purchase, then said city council or board of trustees shall proceed to complete said leasing or purchase; but if a majority of the votes cast are against such leasing or purchase then said city, incorporated town or village shall proceed no further with said leasing or purchase for the period of six months next ensuing. [As amended by act approved April 24, 1899. In force July 1, 1899. L. 1899, p. 106; § 267a, ch. 24, R. S.]

879. MAY BORROW MONEY AND LEVY GENERAL TAX.] § 2. Such cities, incorporated towns and villages may borrow money, and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the purchase and maintaining or the leasing and maintaining of such water works, and appropriate money for the same. [§ 267b, ch. 24, R. S.]

WATER COMPANY MAY LOCATE SOURCE OF SUPPLY BEYOND CORPORATE LIMITS.

AN ACT to enable any water company now or hereafter organized under the laws of this State, to change or locate its source of supply beyond the limits of the city, town or village supplied, or whose inhabitants are supplied with water by such company; and for that purpose empowering such company to take or damage private property for pipe lines to such source of supply and for pumping stations, reservoirs or other appurtenances, and to construct, maintain and operate such pipe lines in and under any public or private road, highway, street or public ground, and across or under any of the waters within this State, and across or under any railroad right-of-way; and to prescribe penalties for interfering with or destroying the property or rights of such company. [Approved June 19, 1893. In force July 1, 1893. L. 1893, p. 81.]

880. MAY ENTER ON LAND AND CONSTRUCT LINES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any water company now organized, or that may hereafter be organized under the laws of this State, for the purpose of supplying any city, town or village or the inhabitants thereof with water, is hereby empowered to locate its source of supply at or change its source of supply to a point beyond the limits of such city, town or village, and any such company may enter upon any lands and take and damage private property beyond said limits, for the construction, maintenance and operation of a line or lines of water-pipe, to such source of supply, and also for the necessary pumping stations, reservoirs or other appurtenances; and also construct, maintain and operate beyond said limits such line or lines of water pipe across or under any railroad right of way, and in and under any public or private road, highway, street, alley or public ground or across or under any of the waters within this State: *Provided, however,* that such source of supply shall not be located more than ten miles distance from the corporate limits of said city or village and that such line or lines of water pipe shall not interfere with any railroad, sewer, gas pipes, water pipes, or other conduit already laid in or under such public or private road, highway, street, alley or public ground by public authority: *And provided, also,* that such company shall, in the construction and repair of said line or lines of water

pipe, restore such public or private road, highway, street, alley or public ground, to the same condition as before, and shall not unnecessarily interfere with the public use of the navigation of said waters: *Provided further*, the laying of such water pipes or other work shall be done under such reasonable regulations as the authorities of any township, town, city or village wherein such work is done may prescribe. [§ 267c, ch. 24, R. S.]

881. PROCEED UNDER RIGHT OF EMINENT DOMAIN.] § 2. When it is necessary for the construction, maintenance, and operation of such line or lines of water pipes, pumping stations, reservoirs or other appurtenances, to take or damage private property, the same may be done, and the compensation therefor may be ascertained and made in the manner which may be then provided by law for the exercise of the right of eminent domain. [§ 267d, ch. 24, R. S.]

882. PUNISHMENT OF PERSON INTERFERING.] § 3. Any person who shall unlawfully and intentionally molest or destroy any part or portion of said line or lines of water pipe, pumping stations, reservoirs or other appurtenances, or the material or property belonging thereto, or shall in any manner interfere with the construction, maintenance or operation thereof, shall, on conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine not exceeding \$100, said fine to be recoverable in any court having jurisdiction of the offense: *Provided*, that prosecution under the foregoing provisions of this section shall not in any manner prevent a recovery by the company entitled thereto, of the amount of damages done to said property. [§ 267e, ch. 24, R. S.]

SECURING ADDITIONAL SUPPLY FOR CITY WATER WORKS.

AN ACT to aid cities owning or operating water works to secure an additional or better supply of pure water. [Approved and in force May 27, 1881; L. 1881, p. 157.]

883. CITIES—POWERS AND PRIVILEGES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all cities owning or operating water works under any charter granted by act of any general assembly of this State, or under the general incorporation laws of this State, whether by boards of water commissioners or by officers appointed for that purpose, are hereby granted the following powers and privileges, for the purpose of increasing or bettering the source of supply from which such water is obtained. [§ 268, ch. 24, R. S.]

884. POWERS OF BOARD—MAY RAISE MONEY—VOTE.] § 2. Whenever, in the judgment of a majority of any board of water commissioners, or if there be no such board, then in the judgment of a majority of the city council of any city owning or operating such water works, it shall be necessary for the public health, or for any other cause, to increase the source of water supply, or to substitute for it such better source as, in their judgment, the interests of such city may demand, such board of water commissioners or city council may, in addition to the powers already conferred upon them by act of any general assembly of this State, construct wells, either by boring or excavation, and protect and equip the same after construction,

or may lease water privileges from private parties or corporations owning wells already or hereafter to be constructed, and may pay for such construction or lease, and for the expenses maintained in operating the same, out of any earnings of such water works under their control which may be in their hands at the time of the taking effect of this act, or which may accrue to them hereafter: *Provided*, that no money shall be expended under the provisions of this act, for the purposes herein specified, until the question of the expenditure of such money for the purposes aforesaid shall have been submitted to a vote of the people of the city in which such water works may be situated, at any election for city officers or special election called for that purpose by the city council of said city, and shall have received a majority of the votes cast at such election: *Provided, further*, that no money shall be expended under the provisions of this act, for the purposes aforesaid, other than the surplus earnings of such water works. [§ 269, ch. 24, R. S.]

885. EMERGENCY.] § 3. Whereas, an emergency exists, this act shall be in force and take effect from and after its passage. [§ 270, ch. 24, R. S.]

MUNICIPALITIES MAY PURCHASE OR EXTEND WATER WORKS SYSTEMS.

AN ACT authorizing cities, towns and villages to build, purchase or extend water works systems for public and domestic use, and to provide for the cost thereof. [Approved April 22, 1899; in force July 1, 1899; L. 199, p. 104.]

886. MAY ACQUIRE WATER WORKS—PAYMENT FOR SUCH BUILDING OR PURCHASE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every city, incorporated town and village in this State, is hereby authorized to acquire water works for supplying water for public use, and for domestic use of its inhabitants by building or purchasing a water works system or enlarging or extending an existing system. In payment for such building, purchase or enlargement any such municipality may issue certificates of indebtedness limited in their payment solely to the water fund hereinafter provided for; such certificates may bear interest at a rate not exceeding 6 per centum per annum, payable semi-annually, and shall only be issued at not less than par value in payment for the building, purchase or extension of a water works system. [§ 270a, ch. 24, R. S.]

887. ORDINANCE — PUBLICATION OF — PETITION — SUBMISSION TO VOTE.] § 2. Any such municipality desiring to avail itself of the provisions of this act shall first pass an ordinance, fixing in a general way the capacity of the water works system it is proposed to acquire, and referring to the plans and specifications therefor, which shall be open to the inspection of the public; which said ordinance shall fix the rates at which water is to be supplied for all private purposes, and said rates, so fixed, shall not thereafter be reduced until the certificates issued for acquiring or enlarging the water works, and the interest thereon, are fully paid. Which said ordinance shall be published in a newspaper published in such municipality, at least once in each week for three successive weeks. And if no petition

shall be filed with the clerk of such municipality as hereinafter provided, within 21 days after the first publication of said ordinance, then the corporate authorities may proceed to carry out the provisions of the ordinance. But if within said period of 21 days there shall be filed with the clerk of such municipality a petition, signed by 20 per cent of the number of voters voting for presiding officer of the legislative body of such municipality at the next preceding general city, town or village election, asking that the question of acquiring or enlarging a water works system be submitted to a vote, it shall then be the duty of the legislative body of such municipality to call a special election in the manner provided by law, to vote upon such question, and if it appear that a majority of the voters voting upon such question at such election vote in favor of acquiring or enlarging the water works, then said ordinance shall be in full force and effect, and the corporate authorities may proceed to carry out the provisions thereof, but if a majority of the votes cast are against such acquiring or enlarging, then said city, incorporated town or village shall proceed no further for the period of six months next ensuing. [§ 270b, ch. 24, R. S.]

888. WATER FUND—CERTIFICATES—PAYMENT OF.] § 3. Whenever any such municipality shall avail itself of the provisions of this act, the entire proceeds arising from the operation of the water works system thereof shall be paid into a fund known as the "water fund," and which fund shall be and remain inviolate until the certificates issued under the terms hereof and the interest thereon is fully paid, and the treasurer of such municipality shall not pay any warrants drawn on said fund unless the same be drawn in payment of the necessary operating expenses of such water works system, or in payment of the certificates issued hereunder or the interest thereon. [§ 270c, ch. 24, R. S.]

889. MAY MORTGAGE WATER WORKS SYSTEM.] § 4. In order to secure in the most ample manner the payment of the water certificates, authorized as aforesaid, any such municipality may convey by way of mortgage or deed of trust, the water works system so acquired or enlarged, which said mortgage or deed of trust shall be acknowledged and recorded in the same manner as mortgages of real property, and which mortgage or deed of trust may contain such provisions and conditions as are reasonably necessary to fully secure the payment of said water certificates. [§ 270d, ch. 24, R. S.]

890. FORECLOSURE OF CERTIFICATES.] § 5. Whenever, and as often as default shall be made in the payment of water certificates, issued as aforesaid, and such default shall continue for the space of 90 days, it shall be lawful for said mortgagee or trustee to declare the whole of the principal and interest of such certificates at once due and payable, and proceed to foreclose the same in any court of competent jurisdiction, and in any decree to be rendered in such suit of foreclosure there shall be included a reasonable solicitor's fee for the complainant's solicitor, and such decree shall fix reasonable rates for water furnished from said water works system for public uses during the time that such municipality shall be deprived of the possession thereof, as hereinafter provided, and upon any sale under such

decree of foreclosure the person or corporation offering to satisfy said decree for the rents, incomes and profits of said water works system for the least number of years, not exceeding 50, shall become the purchaser thereof, and on satisfying said decree shall be let into the use, occupation and enjoyment of said water works system during the period of time for which the same were sold, and during such period such purchaser or assigns shall be entitled to receive and collect for water furnished for private uses the rates prescribed in the ordinance provided for in section 2 of this act, and shall be entitled to receive and collect the reasonable rates fixed for the public uses of water in such decree. At the end of said period said purchasers or assigns shall deliver said water works system to such municipality in as good condition as when the same was received, ordinary wear and tear excepted. [§ 270e, ch. 24, R. S.]

891. RIGHTS OF PURCHASER AT FORECLOSURE SALE.] § 6. During the period of time when the purchaser at such foreclosure sale shall be entitled to the use and enjoyment of said water works system, it shall not be competent for such municipality to construct or authorize any other person or corporation to construct a competing system of water works, nor shall it be competent for the purchaser at such foreclosure sale, or assigns, to extend the water works system so purchased, except upon such terms as such municipality may authorize. [§ 270f, ch. 24, R. S.]

892. HOW ACT CONSTRUED]. § 7. This act shall be deemed and construed to confer powers in addition to but not limiting those now existing. [§ 270g, ch. 24, R. S.]

LAYING GAS PIPES, ERECTING ELECTRIC POLES FOR LIGHTING AND HEATING PURPOSES—FRONTAGE.

AN ACT to regulate and prescribe the conditions for the granting of rights and privileges for lighting and heating purposes by cities, villages and incorporated towns, and providing a remedy by the property owner where such conditions have not been complied with. [Approved June 5, 1897; in force July 1, 1897; L 1897, p. 100.]

893. CONDITION UPON WHICH PRIVILEGES TO LAY PIPES OR STRING WIRES FOR LIGHTING PURPOSES IN STREETS MAY BE GRANTED—REMEDY OF PROPERTY OWNERS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council in cities, or the president and board of trustees in villages and incorporated towns shall have no power to pass an ordinance granting to any person or corporation the right or privilege to lay any gas pipes for the distribution of inflammable gas for fuel or lighting purposes, or to pass an ordinance granting to any person or corporation the right or privilege to lay in or on the ground, or string on poles any wires on, over or by which electricity for lighting purposes is to be used, conveyed or distributed in any street, alley or public grounds in any such city, village or incorporated town, except upon the petition of the owner of the land representing more than one-half of the frontage on the street or alley, or so much thereof as is sought to be used for the purposes above mentioned, or any or either of them, and when the street or alley, or part thereof sought to be used shall be more than one mile in length, no right or

privilege to lay pipes, or lay or string wires for lighting purposes shall be granted, unless a petition therefor shall be presented to the city council of the city, or board of trustees of the incorporated town or village in which such right or privilege is sought, signed by the owners of the land representing more than one-half of the frontage of each mile, and of the fraction of a mile, if any, in excess of the whole mile, measuring from the initial point named in such petition, of such street or alley, or of the part thereof sought to be used for the purposes above mentioned, or either of them. Any person being the owner of, or interested in any lot fronting on any street or alley, or part thereof, as is sought to be used for any or either of such purposes, shall have the right of bill in chancery, in his or their own name, to enjoin any person or corporation from using such street or alley, or part of street or alley for either of such purposes, under any grant by the city council or board of trustees, which is not made in conformity with the provisions hereof, and the sufficiency of the petition herein required, shall be ascertained by the court in which such bill in chancery may be filed. [§ 491, ch. 24, R. S.]

MISCELLANEOUS—UNCLASSIFIED LAWS RELATING TO VARIOUS SUBJECTS CONCERNING MUNICIPALITIES. [PARAGRAPHS 894-1160.]

PROOF OF MUNICIPAL RECORDS.

AN ACT in regard to evidence and depositions in civil cases. [Approved March 29, 1867; in force July 1, 1872.]

894. RECORDS, ETC., OF CITIES., ETC., HOW CERTIFIED.] § 14. The papers, entries, records and ordinances, or parts thereof, of any city, village, town or county, may be proved by a copy thereof, certified under the hand of the clerk or the keeper thereof, and the corporate seal, if there be any; if not, under his hand and private seal. [§ 14, ch. 51, R. S.]

CRIMINAL CODE APPLICABLE TO MUNICIPALITIES—MISCONDUCT OF OFFICERS.

895. OMISSION AND MALFEASANCE.] § 208. Every person holding any public office, (whether State, county or municipal), trust or employment, who shall be guilty of any palpable omission of duty, or who shall be guilty of diverting any public money for the use or purpose for which it may have been appropriated or set apart by or under authority of law, or who shall be guilty of contracting directly or indirectly, for the expenditure of a greater sum or amount of money than may have been, at the time of making the contracts, appropriated or set apart by law or authorized by law to be contracted for or expended upon the subject matter of the contracts, or who shall be guilty of willful and corrupt oppression, malfeasance or partiality, where no special provision shall have been made for the punishment thereof, shall be fined not exceeding \$10,000, and may be removed from his office, trust or employment. [§ 208, ch. 38, R. S.]

"AN ACT to punish fraud or extravagance in the expenditure of moneys appropriated for public improvements." [Approved May 23, 1877, in force July 1, 1877. Laws 1877, p. 92.]

896. CHANGING SPECIFICATIONS SO AS TO INCREASE EXPENSE.]

§ 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever the General Assembly shall pass any enactment for the construction or repair of any public work or improvement of the State, of any character or name whatsoever, and the said enactment, shall have become a law, and plans, specifications and estimates for the construction or repair of said public work or improvement have been submitted to and approved by the authorities designated in said law, and an appropriation has been made to defray the estimated expense thereof; any person or persons, commissioner or commissioners, or other officer or officers, entrusted with the execution of said public work or improvement, who shall so change, alter or modify, or permit or connive at such change, alteration or modification by any person or persons under his or their direction or control, directly or indirectly, so as to incur a greater cost and expense in the construction or repair of such public work or improvement, than was specified by the law authorizing it, and the appropriation made in pursuance thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in the manner hereinafter provided, shall be fined in a sum not more than five hundred dollars (\$500), or punished by imprisonment in the county jail for a term of not more than twelve months, or by both fine and imprisonment within the limits specified in this section, at the discretion of the court before which he or they may be tried. [§ 208a, ch. 38, R. S.]

897. SPENDING MONEY WITHOUT OBTAINING TITLE TO LAND.] §

2. Any person or persons, commissioner or commissioners, or other officer or officers, entrusted with the construction or repair of any public work or improvement, as set forth in section one (1) of this act, who shall expend or cause to be expended upon such public work or improvement, the whole or any part of the moneys appropriated therefor, or who shall commence work, or in any wise authorize work to be commenced thereon, without first having obtained a title, by purchase, donation, condemnation or otherwise, to all lands needed for such public work or improvement, running to the People of the State of Illinois; said title to be approved by the Attorney General, and his approval certified by the Secretary of State and placed on record in his office, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the manner hereinafter provided, shall be punished by a fine of not more than \$500, or by imprisonment in the county jail for a term of not more than one year, or by both fine and imprisonment at the discretion of the court before which he or they may be tried. [§ 208b, ch. 38, R. S.]

898. PROSECUTION—COMPLAINT—AFFIDAVIT.] § 3. Any person or persons, commissioner or commissioners, or other officer or officers, as aforesaid, may be prosecuted in any circuit court of this State, or in any other court having concurrent jurisdiction therewith in crimi-

nal cases, on complaint of two or more reputable citizens being filed in the office of the clerk of said court; such complaint to be verified by affidavits. [§ 208c, ch. 38, R. S.]

899. STATE'S ATTORNEY TO PROSECUTE—INDICTMENT.] § 4. It shall be the duty of the State's attorney of the county in which such complaint and affidavits are filed, to present the same to the grand jury, at the next regular term of court after the filing thereof, and if said grand jury shall indict the person or persons so complained of, it shall further be the duty of said State's attorney to prosecute and try the alleged offender or offenders. [§ 208d, ch. 38, R. S.]

900. INTOXICATION OF OFFICERS, ETC.] § 209. That any officer of a town, village, city, county or state, who shall be intoxicated while in the discharge of the duties of his office, shall be fined for the first offense the sum of \$10, and for the second offense, the sum of \$20, and for the third offense shall be guilty of a misdemeanor, and on conviction of such misdemeanor, shall forfeit his office; and in such case the vacancy occasioned thereby shall be filled in the same manner as if such officer had filed his resignation in the proper office, and it had been accepted by the proper officer: *Provided*, such acceptance shall have been necessary to make the office vacant. The penalties for the first and second offense given by this section, may be recovered in an action of debt, in the name of the People of the State of Illinois, before any justice of the peace of the proper county, and when collected shall be paid to the county superintendent where such offense shall have been committed, for the use of the school fund. [§ 209, ch. 38, R. S.]

901. FURNISHING LIQUOR TO PRISONERS.] § 210. Every person who procures for, furnishes or conveys to any prisoner confined in any jail or city prison, intoxicating or spirituous liquors, shall, upon conviction thereof, for each offense, be fined not exceeding \$50, or imprisoned in the county jail not exceeding 30 days, or both, in the discretion of the court—which fine may be recovered in an action of debt, in the name of the People of the State of Illinois, before any justice of the peace of the county where said offense shall have been committed. All fines collected under the provisions of this section shall be paid into the common school fund of the proper county. [§ 210, ch. 38, R. S.]

902. EXTORTION.] § 211. If any judge, justice of the peace, sheriff, coroner, constable, police officer, clerk or other officer, State, county, town or municipal, executive, ministerial or judicial, shall wilfully or corruptly receive or take any fee or reward to execute or do his duty as such officer, except such as is or shall be allowed by law, or if any such officer shall wilfully or corruptly ask or demand as a condition precedent to the performance of his duty as such officer any fee or reward, except such as shall be allowed by law, every such officer so offending shall be fined not exceeding \$200, and may be removed from office. [§ 211, ch. 38, R. S.]

903. SHAVING WARRANTS, ETC.] § 212. If any collector of taxes, county treasurer, or other person authorized to collect, receive or pay

out any of the State, county, city or school revenues, shall directly or indirectly, by himself or his agent, take, buy, shave, discount or receive any auditor's warrant, county order, or jury certificate, or city or school order, at less than the full sum due thereon, or shall directly or indirectly receive any profit or advantage on account of any other person's buying, shaving or discounting any such warrant, order or jury certificate, such collector, treasurer or other person shall be liable in double the amount made thereby, to be recovered in an action of debt before any court of competent jurisdiction, one-half to the person complaining, and the other half to the school fund of the county where such collector, treasurer or other person may reside. [§ 212, ch. 38, R. S.

904. PENALTY FOR TAKING ILLEGAL FEES.] § 213. If any officer authorized by law to charge or receive fees, salary or pay, shall charge, claim, demand, or take any greater fee, salary or pay, than such as is by law allowed to him for the service performed, or shall charge, claim, demand or take any fee, salary or pay, or shall knowingly charge any fee, salary or pay, when no fee, salary or pay is allowed him by law, or when the services for which such fee, salary or pay is charged, have not been performed by him, or by some other person for him, he shall, on conviction under this section, for the first offense, be fined in any sum not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200), and upon conviction for a second or any subsequent offense under this section, he shall forfeit his office and shall be confined in the county jail not less than 30 days, nor more than one year. [As amended by act approved May 25, 1877; in force July 1, 1877. L. 1877, p. 87; § 213, ch. 38, R. S.

905. ILLEGAL FEES—PRIVATE REMEDY.] § 214. Any officer who violates the provisions of the preceding section shall, in addition to the penalty, therein provided, be fined for each item so charged, collected or received, not less than \$10, nor more than \$100, to be sued for and recovered before any justice of the peace of the proper county, in action of debt, in the name of the People of the State of Illinois, and for the use of the person against whom such fee is charged, or from whom the same is received or collected. [§ 214, ch. 38, R. S.

906. WITHHOLDING FUNDS.] § 215. If any State, county, town, municipal or other officer or person, who now is or hereafter may be authorized by law to collect, receive, safely keep or disburse any money, revenue, bonds, mortgages, coupons, bank bills, notes, warrants or dues, or other funds or securities belonging to the State, or any county, township, incorporated city, town or village, or any State institution, or any canal, turnpike, railroad, school or college fund, or the fund of any public improvement that now is or may hereafter be authorized by law to be made, or any other fund now in being or that may hereafter be established by law for public purposes or belonging to any insurance or other company or person, required or authorized by law to be placed in the keeping of any such officer or person, shall fail or refuse to pay or deliver over the same when required by law, or demand is made by his successor in office or trust, or the officer or

person to whom the same should be paid or delivered over, or his agent or attorney, authorized in writing, he shall be imprisoned in the penitentiary not less than one nor more than ten years: *Provided*, such demand need not be made when, from the absence or fault of the offender, the same cannot conveniently be made: *And, provided*, that no person shall be committed to the penitentiary under this section, unless the money not paid over shall amount to \$100, or if it appear that such failure or refusal is occasioned by unavoidable loss or accident. Every person convicted under the provisions of this section shall forever thereafter be ineligible and disqualified from holding any office of honor or profit in this State. [§ 215, ch. 38, R. S.]

907. WITHHOLDING RECORDS, ETC., FROM SUCCESSORS.] § 216. If any person whose office shall be abolished by law, vacated or determined by removal from office, resignation, death, expiration of the time for which he was elected or appointed, or other cause, or his executors, administrators or other persons, shall wilfully and unlawfully withhold or detain from his successor or other person entitled thereto by law, the records, papers, documents or other writings, or other articles of property appertaining or belonging to such office, or mutilate, destroy or take away the same, the person so offending shall be imprisoned in the penitentiary not less than one year nor more than five years. [§ 216, ch. 38, R. S.]

908. SEARCH WARRANT MAY ISSUE FOR RECORDS.] § 217. If any person whose office shall be abolished by law, vacated or determined by removal from office, resignation, death, expiration of the time for which he was elected or appointed, or other cause, or his executors, administrators, or other person, neglect or refuse to deliver over any records, papers, documents or other writing, or other articles of property pertaining to such office, when thereto lawfully required by the successor of such office, or other person entitled to the custody thereof, the judge of any court of record in the proper county may, upon the affidavit of any competent person setting forth proper facts, issue his warrant directed to the sheriff or coroner of the proper county, commanding him to seize all the records, books, papers, documents and other public property belonging or appertaining to the said office, and deliver the same to the person entitled to the custody thereof, to be named in such warrant. [§ 217, ch. 38, R. S.]

909. EXECUTION OF THE PROCESS. [§ 218. The officer executing any warrant issued as aforesaid may break open any doors, trunks, or places in which any of the records, books, papers, documents or other public property, in such warrant commanded to be seized and secured, may be concealed, or in which he may suspect them to be; and in case of resistance, may arrest any person who may resist the execution of such warrant, and carry him before some judge or justice of the peace, to be dealt with as other persons obstructing the execution of such process; and the officer executing such warrant may call to his assistance the power of the county, in the same manner as in the execution of other process. And any officer to whom any such warrant may be directed and delivered, who shall neglect or refuse to

execute and return the same according to law, or otherwise fail to perform any of the duties herein required of him, shall forfeit and pay a sum not exceeding \$1,000, nor less than \$100, to be recovered by indictment, to the use of the county, in any court of competent jurisdiction. [§ 218, ch. 38, R. S.]

910. DEFENSE.] § 219. Whoever is aggrieved by the issuing of such warrant may apply to such judge, or if he is absent, to any other judge of a court of record, who, if he is satisfied, upon the affidavit of the applicant, that there is good reason to believe injustice has been, or is about to be done by the execution of such warrant, shall issue a citation to all persons interested therein, commanding them to appear before such judge, at a place and time to be in such citation named, which shall be executed by the sheriff or coroner. And the judge shall have the power to enforce obedience to such citation by attachment, to be issued by him, and to proceed in a summary way and determine according to right and justice, and may issue his warrant for the restoration of any book, record, paper, document or other article of property which shall appear to him to have been improperly seized or delivered over; which warrant shall be executed in the same manner, and the officer to whom it is directed shall have the same powers, and be liable to the same penalties for neglect of duty, as in case of other warrants. Any proceeding under this and the two preceding sections shall not be held to determine the right of any person to such office, but such right may be contested in the manner provided by law. [§ 219, ch. 38, R. S.]

PURSUIT OF FELON—ARREST OF OFFENDERS—BY WHOM AND HOW MADE.

911. PURSUIT OF FELON.] § 1. When the fact that a felony has been committed shall come to the knowledge of any sheriff, coroner or constable, fresh pursuit shall be forthwith made after every person guilty thereof, by such sheriff, coroner, constable and all other persons who shall be by any of them commanded or summoned for that purpose; every such officer who shall not do his duty in the premises shall be punished by fine in a sum not exceeding \$100, or imprisoned not exceeding three months. [§ 339, ch. 38, R. S.]

912. DUTY OF OFFICERS.] § 2. It shall be the duty of every sheriff, coroner, constable, and every marshal, policeman, or other officer of any incorporated city, town or village, having the power of a sheriff or constable, when any criminal offense or breach of the peace is committed or attempted in his presence, forthwith to apprehend the offender and bring him before some justice of the peace, to be dealt with according to law; to suppress all riots and unlawful assemblies, and to keep the peace, and without delay to serve and execute all warrants, writs, precepts and other process to him lawfully directed. [§ 340, ch. 38, R. S.]

913. POSSE COMITATUS.] § 3. Every male person above the age of 18, when commanded by an officer to assist in arresting or securing an offender, shall obey such command. [§ 341, ch. 38, R. S.]

914. ARRESTS WITHOUT WARRANT.] § 4. An arrest may be made by an officer or by a private person without warrant, for a criminal

offense committed or attempted in his presence, and by an officer, when a criminal offense has in fact been committed, and he has reasonable ground for believing that the person to be arrested has committed it. [§ 342, ch. 38, R. S.]

915. MAGISTRATE MAY MAKE ARREST.] § 5. A magistrate may orally order an officer or a private person to arrest any one committing or attempting to commit a criminal offense in the presence of such magistrate, which order shall authorize the arrest. [§ 343, ch. 38, R. S.]

916. WHEN MADE.] § 6. An arrest may be made on any day or at any time of the day or night. [§ 344, ch. 38, R. S.]

917. PERSON ARRESTED TO BE TAKEN BEFORE A MAGISTRATE.] § 7. When an arrest is made without a warrant, either by an officer or a private person, the person arrested shall, without unnecessary delay, be taken before the nearest magistrate in the county, who will hear the case, for examination, and the prisoner shall be examined and dealt with as in cases of arrests upon warrant. [§ 345, ch. 38, R. S.]

918. RECAPTURE.] § 8. If any prisoner shall escape or be rescued, the officer or person from whose possession or custody he escapes or was rescued may immediately pursue and retake him in any county of this State without a warrant. [§ 346, ch. 38, R. S.]

DAMAGES OCCASIONED BY RIOTS.

AN ACT to indemnify the owners of property for damages occasioned by mobs and riots.
[Approved May 15, 1887, in force July 1, 1887. L. 1887, p. 229.]

919. CITY, OR IF NOT IN CITY, COUNTY, LIABLE FOR THREE-FOURTHS DAMAGES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any public building or other real or personal property, except property in transit, shall be destroyed or injured in consequence of any mob or riot composed of twelve or more persons, the city, or if not in a city then the county in which such property was destroyed, shall be liable to an action by or in behalf of the party whose property was thus destroyed or injured, for three-fourths of the damages sustained by reason thereof. [§ 256a, ch. 38, R. S.]

920. ACTION, HOW BROUGHT—JUDGMENT.] § 2. Such action may be brought in the form of an action on the case, or other appropriate action, and whenever any final judgment shall be secured against any such city or county in any such action, the same shall be paid in due course as in case of other judgments. [§ 256b, ch. 38, R. S.]

921. WHEN ENTITLED TO RECOVER.] § 3. No person or incorporation shall be entitled to recover in any such action if it shall appear on the trial thereof that such destruction or injury of property was occasioned, or in any way aided, sanctioned or permitted by the carelessness, neglect or wrongful act of such person or corporation; nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage. [§ 256c, ch. 38, R. S.]

922. ACTION BY PARTY AGAINST PERSONS ENGAGED IN RIOT—LIEN OF CITY, ETC.] § 4. Nothing in this act shall be construed to prevent any person or corporation whose property has been injured or destroyed in consequence of any mob or riot, from having or maintaining an action or actions against any person or persons, engaged or in any manner participating in such mob or riot, for the recovery of the damages sustained thereby: *Provided*, that when such city or county shall have paid any part of such damage, such city, or county, making such payment shall have a lien to the amount so paid upon any judgment or claim, against any person or persons engaged in, or in any manner participating in such mob or riot, together with the right and power to enforce and collect such judgment or claim, and when such city or county shall have been reimbursed the money so paid by it, such portion of such judgment or judgments, or claim or claims remaining unpaid shall then revert to, and become the property of the original owner thereof, and such owner shall have the right to enforce and collect the same. [§ 256d, ch. 38, R. S.]

923. ACTION BY CITY OR COUNTY AGAINST PERSONS ENGAGED IN RIOT.] § 5. It shall be lawful for the city or county against which a judgment, or judgments, for damages shall be recovered under the provisions of this act, to bring an action, or actions, against any person or persons engaged or in any manner participating in said mob or riot, for the recovery of the amount of said judgment or judgments and costs, and such action shall not abate or fail by reason of too many or too few parties defendant being named therein; the same shall to all intents and purposes be treated as an action of trespass brought by the owners of such property, except that the statute of limitations as to such action shall not begin to run against said city or county until its liability is fixed by judgment as hereinbefore provided. [§ 256e, ch. 38, R. S.]

924. NOTICE OF CLAIM OF DAMAGES—WHEN ACTION SHALL BE BROUGHT.] § 6. No action shall be maintained under the provisions of this act by any person or corporation whose property shall have been destroyed or injured as aforesaid, unless notice of claim for damages be presented to such city or county within 30 days after such loss or damage occurs and such action shall be brought within 12 months after such destruction or injury occurs, but nothing in this act shall be construed as authorizing any recovery by the United States, the State of Illinois, or any county, for the destruction of, or injury to property by mobs or riots. [§ 256f, ch. 38, R. S.]

925. WHEN CITY OR COUNTY SETTLES CLAIM.] § 7. Any city or county may settle with, and pay, the owner of any such property the damages so sustained; and any such city or county which shall have paid any sum under the provisions of this act, whether by voluntary settlement or otherwise, may recover the same with all costs paid by it from any or all the persons engaged in the destruction or injury of the property so paid for. [§ 256g, ch. 38, R. S.]

QUELLING RIOTS.

AN ACT to secure the peace and good order of society, to quell riots or disturbances, to secure the execution of laws, and to provide for special deputy sheriffs, and for calling out and using the militia force of the State for the preservation of the peace and the protection of property. [Approved June 16, 1887, in force July 1, 1887. L. 1887, p. 239.]

926. SHERIFF MAY SUMMON ANY NUMBER OF SPECIAL DEPUTIES.]

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sheriff of any county in this State, if in his judgment the preservation of the peace and good order of society shall require it, may summon and enroll any number of special deputies which in his judgment the exigencies of the case require, and such deputies shall be subject to his orders, and shall have all the powers of deputy sheriffs until discharged, or excused from duty by the sheriff. Any person so summoned by the sheriff to act as a deputy who shall decline or refuse to act as such shall be guilty of a misdemeanor, and be fined not less than \$50. nor more than \$200. for each and every offense, or imprisonment in the county jail not to exceed three months. [§ 256h, ch. 38, R. S.]

927. MAY ARM THE FORCE OF SPECIAL DEPUTIES.] § 2.

In all cases when the sheriff is satisfied of the necessity, he may arm the force of special deputies appointed under this act, and the county shall pay all necessary expenses thereof, as well as for the subsistence of such special deputies while on duty, and all necessary expenses incurred by them in the performance of the duty for which they shall have been summoned. [§ 256i, ch. 38, R. S.]

928. MAY MAKE REQUISITION FOR ARMS.] § 3.

If the sheriff is satisfied that arms are necessary, or will probably be needed, he may make a requisition on the Adjutant General of the State therefor, whose duty it shall be to furnish the same, with necessary ammunition, and such arms shall, when the necessity for their use has passed, be returned by the sheriff to the Adjutant General. [§ 256j, ch. 38, R. S.]

929. PAY.] § 4.

The deputy sheriffs appointed under this act shall be paid at the rate of two (2) dollars per day for the time actually employed, in and about the duties of such appointment, and the county board shall make provision for such payment. [§ 256k, ch. 38, R. S.]

930. WHEN AND BY WHOM GOVERNOR TO BE NOTIFIED.] § 5.

Whenever the sheriff, with the help of his force of special deputies, is unable to preserve the peace, to quell any riot, or execute the law, it shall be his duty to notify the Governor, by telegram or otherwise, of the facts in the case, and to call upon the Governor for such military force as may be deemed necessary to preserve the peace and execute the law. The sheriff shall also immediately reduce such statement of facts to writing and forward the same to the Governor. In case of the neglect or refusal of the sheriff of any county to act in any case of emergency, it shall be the duty of any coroner of the county, mayor of a city, or county judge, to make such statement of facts and application to the Governor for military assistance. [§ 256l, ch. 38, R. S.]

931. THE FORCES TO REPORT TO THE CIVIL OFFICER.] § 6. Whenever the military forces shall be ordered out by the Governor on any application of a civil officer as aforesaid, or otherwise, they shall report to such civil officer as the Governor shall designate and shall act in strict subordination to such civil authority, in preserving the peace, quelling riots, or executing the law, and may arrest any person or persons on view without process, and hold them in custody until by order of the commander-in-chief such person or persons shall be discharged from custody, or delivered over to the civil authorities; and whenever necessary to suppress riot, disperse the mob, restore the peace and execute the law, may use such force as may be necessary. [§ 256m, ch. 38, R. S.]

932. DUTY OF GOVERNOR.] § 7. Whenever there is in any city, town or county, a tumult, riot, mob or body of men acting together by force with attempt to commit a felony, or to offer violence to persons or property, or by force or violence to break or resist the laws of the State, or when such tumult, riot or mob is threatened, and the fact is made to appear to the Governor, it shall be his duty to order such military force as he may deem necessary to aid the civil authorities in suppressing such violence and executing the law. [§ 256n, ch. 38, R. S.]

933. CODE OF RULES.] § 8. It shall be the duty of the Adjutant General to formulate a code of rules or regulations for the government and control of the troops when so ordered out and on duty, and such code of rules or regulations, when approved by the commander-in-chief, shall be of binding force and obligation until changed or rescinded. [§ 256o, ch. 38, R. S.]

934.. PENALTY FOR OBSTRUCTING OFFICERS OR SOLDIERS.] § 9. If any person shall molest, interrupt or insult by abusive words or behavior, or shall obstruct any officer or soldier while on any duty or at any parade or drill, he may be put immediately under guard and kept, at the discretion of the commanding officer, until the duty, parade or drill is concluded, and such commanding officer may turn over such person to any sheriff, or to a police officer or constable of the county, city or town wherein such duty, parade or drill is held, to be dealt with as the law directs. [§ 256p, ch. 38, R. S.]

935. UNLAWFUL FOR PRIVATE DETECTIVES TO PARADE WITH ARMS.] § 10. It shall be unlawful for any force or company of private detectives, or private citizens, not peace officers, to parade with arms, except when specially permitted to do so by the Governor, or to assume to act as officers of the law, without proper authority, and every person violating this section shall be punished by a fine of not less than \$100 nor more than \$200 for each offense; but this section shall be construed in harmony with, and not as repealing, section five (5) of article eleven (11) of an act entitled, "An act to provide for the organization of the State militia, and entitled the Military Code of Illinois," approved May 28, 1879. [§ 256q, ch. 38, R. S.]

936. POWER OF SHERIFF.] § 11. Nothing in this act contained shall abridge any of the rights, duties or powers which the sheriff now has, or the right which persons now have to guard and protect their property. [§ 256r, ch. 38, R. S.]

PUNISHMENT OF PERSONS VIOLATING ORDINANCES.

AN ACT to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this State. Approved and in force April 12, 1879. L. 1879, p. 70.]

937. ARREST—IMPRISONMENT—WORK-HOUSE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all actions for the violation of any ordinance of any city or village organized under any general or special law of this State, the first process shall be a summons: *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fine, penalty, and cost shall be fully paid: *Provided,* that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, work-house, house of correction or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of 50 cents for each days' work on account of such fine and costs. [§ 299, ch. 24, R. S.]

938. REPEAL.] § 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed. [§ 300, ch. 24, R. S.]

939. EMERGENCY.] § 3. WHEREAS, In some of the cities and villages in this State, there is no authority for the imprisonment of offenders in work-houses or houses of correction, and requiring such offenders to work, therefore, an emergency is declared to exist, and this act shall be in force from and after its passage. [§ 301, ch. 24, R. S.]

SUITS—HOW BROUGHT.

AN ACT entitled, "An act in regard to suits by incorporated cities and villages, and to enforce penalties and recover fines for violating the ordinances thereof." [Approved May 31, 1879; in force July 1, 1879; L. 1879, p. 79.]

940. SUITS—HOW BROUGHT, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this State, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different

causes of action existed at the same time, and, if united would not have exceeded the jurisdiction of the court or magistrate. [§ 302, ch. 24, R. S.]

POLICE AND FIREMEN'S RELIEF FUND.

AN ACT to amend "An act for the relief of disabled members of the police and fire departments in cities and villages." Approved May 24, 1877. In force July 1, 1877. [Approved May 10, 1879. In force July 1, 1879. L. 1879, p. 72.]

941. HOW FUNDS CREATED.] § 1. That one-half of all the rates, taxes and license fees which are, or may be hereafter required by law, to be paid by corporations, companies or associations not incorporated under the laws of this State, engaged in any village or city in this State, effecting fire insurance, and one-fourth of all moneys collected as tax on dogs, where such city or village contains a population of 10,000 or more, has a regularly organized fire department, by such city or village, and all moneys received from fines inflicted upon members of the police and fire departments for violation of the rules and regulations of the service, and all fines recovered for violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, and (if authorized as provided in Sections 1A and 1B) two per centum of all moneys received from licenses for the keeping of saloons or dram shops, shall be set apart by the treasurer of the city or village, to whom the same shall be paid, as a fund for the relief of disabled members of the police and fire departments of such city or village. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 122; § 382, ch. 24, R. S.]

942. PER CENT FROM LICENSES FOR KEEPING OF SALOONS, ETC.] § 1A. In any city of over 10,000 inhabitants where it shall be authorized by a majority vote of the electors of such municipality, two per centum of all moneys received from licenses for the keeping of saloons or dram shops shall be also set apart in like manner for the fund above mentioned in this act. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 122; § 382a, ch. 24, R. S.]

943. HOW CITY MAY ADOPT PROVISION OF SECTION 1A.] § 1B. The electors of any city may adopt the provisions of Section 1A of this act in the following manner: Whenever 20 per cent of the legal voters of such incorporated city shall petition the city clerk, or the officer or officers whose duty it is to prepare the ballots, to submit the proposition as to whether such city shall adopt the provisions of Section 1A of this act, then it shall be the duty of such officer or officers to submit such proposition accordingly at the next succeeding regular city election, and if such proposition is not adopted at such election the same may, in like manner, be submitted at any regular city election thereafter. The proposition so to be voted for shall be prepared and provided for that purpose in the same manner as other ballots, and shall be substantially in the following form:

For the adoption of the provisions of an act setting apart two per centum of moneys received by the city from the licensing of saloons or dram-shops for a pension fund for disabled members of the police and fire department.....	Yes.
	No.

If a majority of the number of the votes cast in said city at the last general election shall be voted for such proposition, then Section 1A of this act shall be declared adopted and in force in such city. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 122; § 382b, ch. 24, R. S.]

944. MAYOR, ETC., TRUSTEES OF FUND.] § 2. The mayor or president of the board of trustees, the superintendent or chief officer of the police department, the fire marshal or chief officer of the fire department, and the chairman of the committee on police and fire and water, of the city council or board of trustees of the city or village, with the comptroller (if there be one) or city clerk and treasurer, shall constitute and be a board by the name of the trustees of the police and firemen's relief fund, and the treasurer of the city or village, shall be custodian of the funds of said police and firemen's relief fund. The said board shall select from their number a president and secretary. [§ 383, ch. 24, R. S.]

945. BOARD TO CONTROL FUND.] § 3. The said board shall have the exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member of the police and fire departments of such city or village, including all such persons who having become entitled to the benefits of this fund while such members of said police and fire departments, have not forfeited their rights to share in such benefits after leaving such departments as hereinafter provided, not to exceed the sum of five dollars (\$5) per annum, which shall be received and held by the treasurer of said relief fund, in like manner as the other moneys herein provided to be paid to him; and any person who, having become entitled to the benefits of this fund, shall not, within one month after notice in writing to him from said board of the assessment against him, pay the same, shall not be entitled to or receive any benefits secured to him under the provisions of this act, unless he shall make written application to the trustees of the fund to become a member thereof, and shall have, by a majority vote of said trustees, been admitted to membership in said organization, and upon his making payment of all delinquent assessments due by him accruing during his membership in such police or fire department. The said board may make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board: *Provided*, that nothing herein contained shall render the payment of any sum of money or annuity which may be awarded by the board, obligatory on the board or chargeable against it as a legal right; but the board may, at any time in its discretion, order that such sums of money or annuity shall be reduced, or that payment of the same shall not be made. The board shall cause to be kept a record of all its meetings and proceedings. [§ 384, ch. 24, R. S.]

946. TREASURER TO GIVE BOND FOR FUND.] § 4. The treasurer of the board shall be the custodian of the fund in the first section of this act mentioned, and of all moneys donated, paid or assessed towards or on account of the relief fund hereby created, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts in such a manner as may be prescribed by the board, and the same shall always be subject to the inspection of the board, or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city or village, as the case may be, with good and sufficient securities in such penal sum as the board may direct, to be approved by the board, conditional for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such treasurer, and that on the expiration of his term of office, he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as such treasurer. Such bond shall be filed in the office of the clerk of such city or village, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same, in the name of such city or village, for the use of said board or of any person or persons injured by such breach. [§ 385, ch. 24, R. S.]

947. WARRANTS DRAWN ON TREASURER.] § 5. It shall be the duty of the mayor and clerk, or the comptroller if there be one, and the officer or officers of such city or village, who are or may be authorized by law to draw warrants upon the treasurer of such city or village, upon request made in writing by said board, to draw warrants upon the treasurer of such city or village, payable to the treasurer of said board, for the fund set apart by such city or village treasurer, as prescribed by the first section hereof. [§ 386, ch. 24, R. S.]

948. PERMANENT DISABILITY—DEATH—ANNUITY.] § 6. When, in the judgment of the board, a sufficient amount shall have accumulated in said fund to justify the application thereof to the use for which the same is hereby created, if any member of the police or fire departments while in the actual performance of duty, or other person entitled to the benefits of this fund as hereinafter provided, shall become permanently disabled so as to render proper his retirement from membership, a sum not exceeding six hundred dollars (\$600) per annum, or such less sum as, in the judgment of the board, the fund will justify, shall be paid to such member out of said fund; or if any member, while in the actual discharge of duty, shall be killed, or shall die from the immediate effects of an injury received by him while in such discharge of duty, or shall die after ten years service in the police or fire departments, and shall leave a widow, or if no widow, any child or children under the age of sixteen (16) years, a sum not exceeding six hundred dollars (\$600) per annum, or such less sum as, in the judgment of the board, the condition of the fund will justify, shall be paid to such widow so long as she shall remain unmarried, or to such child or children while under the age of 16 years. [§ 387, ch. 24, R. S.]

949. WHO MAY OBTAIN BENEFITS.] § 7. Any person who shall have served in either the police or fire departments of said city or village for the full term of ten (10) years, and shall have paid into the fund hereby provided for all assessments regularly made upon him by the board of trustees as required by this act, and the regulations of the said board of trustees passed in pursuance of this act, and shall have complied with all the rules and regulations lawfully established by the board of trustees in the same manner, as if such person was an active member in said police or fire department, may continue his membership in this organization, and be entitled to the benefits of this fund after he shall have ceased to be a member in either said police or fire department, by complying with all the provisions of this act, relative to the payment of assessments, etc., the same as prior to his ceasing to be a member of said departments, and the widow or children of such person shall be entitled to all benefits hereby secured to other members of this organization. [§ 388, ch. 24, R. S.]

950. HOW MONEY PAID OUT.] § 8. All moneys ordered to be paid from said relief fund to any person or persons, shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary, and no warrant shall be drawn except by order of the board, duly entered in the record of the proceedings of the board. In case the said relief fund, or any part thereof, shall by order of the said board or otherwise, be deposited in any bank, or loaned, all interest on money which may be paid or agreed to be paid, on account of any such loan or deposit, shall belong to and constitute a part of said fund. *Provided*, that nothing herein contained shall be construed as authorizing the said treasurer to loan the said fund, or any part thereof, unless so authorized by said board. [§ 389, ch. 24, R. S.]

951. REPEAL.] § 9. All acts or parts of acts, or amendments thereto, heretofore enacted, and in any manner conflicting with the provisions of this, act are hereby expressly repealed. [§ 390, ch. 24, R. S.]

POLICE PENSION FUND.

AN ACT to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns. [Approved April 29, 1887. In force July 1, 1887. L. 1887, p. 122.]

952. HOW FUND CREATED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in each city, village, or incorporated town in this State, having a population of 50,000 inhabitants or more, there shall be paid to the treasurer thereof, and by him and the comptroller (if there be one), set apart, the following moneys, to constitute a Police Pension Fund, viz.:

First—Two per centum of all moneys received from licenses for the keeping of saloons or dram-shops.

Second—Three-fourths of all moneys received for taxes or from licenses upon dogs.

Third—All moneys received from fines imposed upon members of the police force of said city, village, or town, for violation of the rules and regulations of the police department.

Fourth—All proceeds of sales of unclaimed stolen property.

Fifth—One-fourth of all moneys received from licenses granted to pawnbrokers, second-hand dealers and junk stores.

Sixth—All moneys received as fees and from fines for carrying concealed weapons.

Seventh—One-half of all costs collected in money for violation of city ordinances.

Eighth—All rewards given or paid to members of such police force, except such as shall be excepted by the chief officer of police.

Ninth—One per centum per month, which shall be paid by, or deducted from the salary of each and every member of the police force of such city, village or town: *Provided*, no such member shall be compelled to pay more than two dollars per month from his salary. [§ 391, ch. 24, R. S.]

953. BOARD OF POLICE PENSION FUND COMMISSIONERS.] § 2. The president of the board of trustees, the comptroller, the city, village or town clerk, the superintendent or chief officer, or in his absence or inability to act, then the officer next in authority to him of the police department, the city, village, or town treasurer, and the city, village or town attorney of any such city, village or town, shall *ex officio* be and constitute a board of commissioners, to provide for the disbursement of said fund or funds, and designate the beneficiaries thereof as herein directed, which board shall be known as the Board of Police Pension Fund Commissioners of such city, village or town. [§ 392, ch. 24, R. S.]

954. WHO SHALL BE PENSIONED—SERVICE FOR TWENTY YEARS, ETC.] § 3. Whenever any person, at the time of taking effect of said act to which this is an amendment, or thereafter, shall be duly appointed and sworn, and have served for the period of 20 years or more upon the regularly constituted police force of said city, village or town of this State, subject to the provisions of this act, or where the combined years of service of any person in the fire department and upon the police force, as aforesaid, of said city, village or town of this State shall aggregate 20 years or more, said board shall order and direct that such person after becoming 50 years of age, and his service upon such police force shall have ceased, and all officers entitled to and having been pensioned under said act, to which this is an amendment, after the taking effect of this act, shall be paid from such a fund a yearly pension, equal to one-half the amount of the salary attached to the rank which he may have held on said police force for one year next preceding the expiration of said term of 20 years. And after the decease of such member, his widow or minor child or children under 16 years of age, if any, surviving him, shall be entitled to the pension provided for in this act of such a deceased husband or father, but nothing in this or any other section in this

act shall warrant the payment of any annuity to any widow of a deceased member of such police department after she shall have remarried.

That all acts, or parts of acts, in conflict with the provisions of this act, [section] are hereby repealed. [As amended by act approved May 11, 1901. In force July 1, 1901. L. 1901, p. 123. § 393, ch. 24, R. S.]

955. PHYSICAL DISABILITY—RETIRING FROM ACTIVE SERVICE.] § 4. Whenever any person, while serving as a policeman in any such city, village or town, shall become physically disabled while in, and in consequence of, the performance of his duty as such policeman, said board shall, upon his written request, or without such request, if it deem it for the good of said police force, retire such person from active service and order and direct that he be paid from said fund a yearly pension, not exceeding one-half the amount of the salary attached to the rank which he may have held on said police force for one year next preceding such retirement: *Provided*, that whenever such disability shall cease such pension shall cease. [§ 394, ch. 24, R. S.]

956. CERTIFICATE OF DISABILITY.] § 5. No person shall be retired as provided in the next preceding section, or receive any benefit from said fund, unless there shall be filed with said board certificates of his disability, which certificates shall be subscribed and sworn to by said person and by the police surgeon (if there be one) and two practicing physicians of such city, village or town, and such board may require other evidence of disability before ordering such retirement and payment as aforesaid. [§ 395, ch. 24, R. S.]

957. DEATH IN PERFORMANCE OF DUTY—PENSION TO WIDOW—DEATH IN SERVICE.] § 6. Whenever any member of the police force of such city, village or town shall lose his life while in the performance of his duty, or receive injuries from which he shall thereafter die, leaving a widow or child or children under the age of 16 years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension, equal to one-half the amount of the salary attached to the rank which such member held on said police force at the time of his death, shall be paid to such widow during her life, or if no widow, then to such child or children, until they shall be 16 years of age: *Provided*, if such widow or child, or children, shall marry, then such persons so marrying shall thereafter receive no further pension from such fund. Whenever any member of the police force shall die after ten years' service therein, and while still in the service of such city, village or town, as such policeman, leaving a widow, or child or children under the age of 16 years, then upon satisfactory proof of such facts made to it, said board may order and direct that such pension as said board may deem proper, not exceeding one-half the amount of the salary attached to the rank which he held at the time of his death, shall be paid to such widow, or if there be no widow, then to such child or children, until they shall be 16 years of age, said pension to cease upon marriage, as provided above. [§ 396, ch. 24, R. S.]

958. REPORTING TO CHIEF FOR EXAMINATION—SERVICE IN CASES OF EMERGENCY.] § 7. Any person retired for disability under this act, may be summoned to appear before the board herein provided for, at any time thereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of such board with reference thereto. And all members of the police force who may be retired under the provisions of this act, except those who voluntarily retire after 20 years' service shall report to the chief of police of the city, village or town where so retired, on the second Tuesday of each and every month, and in cases of emergency may be assigned to, and shall perform such duty as said chief of police may direct, and such persons shall have no claim against the city, village or town for payment for such duty so performed. [§ 397, ch. 24, R. S.

959. PENSION FORFEITED BY CRIME, MISDEMEANOR, ETC.] § 8. Whenever any person who shall have received any benefit from said fund shall be convicted of any crime or misdemeanor, or shall become an habitual drunkard, or shall become a non-resident of this State, or shall fail to report himself for examination for duty as required herein, unless excused by the board, or shall disobey the requirements of said board under this act, in respect to said examination or duty, then such board shall order that such pension allowance as may have been granted to such person shall immediately cease and determine, and such person shall receive no further pension, allowance or benefit, under this act. [§ 398, ch. 24, R. S.

960. MEETINGS OF BOARD—OFFICERS—CERTIFICATE—RECORD—LIST OF PENSIONERS—QUORUM.] § 9. The board herein provided for shall hold quarterly meetings on the second Tuesdays of April, July, October and January of each year, and upon the call of its president; it shall select from its members a president and secretary, who shall hold such respective positions until their successors are elected; it shall issue certificates, signed by its president and secretary, to the persons entitled thereto, of the amount of money ordered paid to such persons from such fund by said board, which certificates shall state for what purpose such payment is to be made; it shall keep a record of all its proceedings, which record shall be a public record; it shall on the Tuesdays named above, or at each quarterly meeting, send to the treasurer of its city, village or town, and to the comptroller, or city, village or town clerk, a written or printed list of all persons entitled to payments, from the fund herein provided for, stating the amount of such payments and for what granted, as ordered by such board, which list shall be certified and signed by the president and secretary of such board, and by the secretary thereof, attested under oath. A majority of all the members of said board shall constitute a quorum, and have power to transact business: *Provided*, that no resolution shall be passed, or order made by such board, for the payment of money, unless by the affirmative vote of a majority of all the members thereof. [§ 399, ch. 24, R. S.

961. POWERS OF BOARD.] § 10. The board herein provided for shall, in addition to other powers herein granted, have power:

First—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this act, in the same manner as is or may be provided by law for the taking of testimony before masters in chancery, and its president, or any member of said board may administer oaths to such witnesses.

Second—To appoint a clerk and define his duties.

Third—To provide for the payment from said fund of all its necessary expenses, including clerk hire, printing, and witness fees: *Provided*, that no compensation or emolument shall be paid to any member of said board for any duty required or performed under this act..

Fourth—To make all needful rules and regulations for its guidance in conformity with the provisions of this act. [§ 400, ch. 24, R. S.

962. REPORT TO BOARD BY TREASURER.] § 11. On the third Tuesday of April of each year the treasurer of every such city, village or town shall make a sworn report to the board herein provided for, and to the mayor and city council of such city, or the president of, and the board of trustees of such city, village or town, of all moneys received and paid out by him on account of said fund, during the previous year, and of the amount of said fund then in his hands; and all surplus of said fund then remaining in his hands, exceeding the average amount per year paid out by him on account of said fund during the *three years next preceding*, shall be by him transferred to, and become a part of, the funds of every such city, village or town, and no longer under the control of said board or subject to its order; and whenever this act shall take effect in any such city, village or town, the treasurer thereof shall give a new bond the same as now is, or hereafter may be, required by law, which new bond, when so given and the sureties thereon, shall be for the security of such fund, the same as other funds belonging to any such city, village or town. Payments provided for in this act shall be made by such treasurer quarterly, upon proper vouchers. [§ 401, ch. 24, R. S.

963. BENEFICIARIES UNDER PRIOR ACT—WHEN NOT SUFFICIENT MONEY.] § 12. All members of the police force, and any widow or child or children of such members of any such city, village or town, who, upon the taking effect of this act, shall be entitled to receive any benefit under an act entitled, "An act to amend an act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877, in force July 1, 1877, as amended by act approved May 10, 1879, in force July 1, 1879, shall receive no payments or benefits under said act, but shall, in lieu thereof, be entitled to the benefits provided for in this act. But if at any time there shall not be sufficient moneys belonging to such fund to pay the allowances of such board to its beneficiaries, then they shall be paid *pro rata* from such fund, but no allowance or order of such board shall be held to create any liability against any such city, village or town, except upon the fund so set apart as aforesaid for the payment thereof. [§ 402, ch. 24, R. S.

BOARD OF TRUSTEES OF FIREMEN'S FUND.

AN ACT to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns whose population exceeds 50,000 inhabitants, having a paid fire department. [Approved May 13, 1887. In force July 1, 1887. L. 1887, p. 117.]

964. FUND, HOW CREATED—TREASURERS OF FUND.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities, villages or incorporated towns whose population exceeds 50,000, having a paid fire department, one (1) per centum of all revenues collected or received by such cities, villages or incorporated towns from licenses issued by such cities, villages or incorporated towns shall be set apart by the treasurer of such cities, villages or incorporated towns to whom the same shall be paid, as a fund for the pensioning of disabled and superannuated members of the fire departments, and of the widows and orphans of deceased members of the fire departments of such cities, villages or incorporated towns. The treasurers of such cities, villages or incorporated towns shall be *ex officio* treasurers of such fund. [§ 403, ch. 24, R. S.]

965. BOARD OF TRUSTEES OF FIREMEN'S PENSION FUND.] § 2. The treasurer, clerk, attorney, marshal or chief officer of the fire department and comptroller of such city, village or incorporated town shall constitute and be a board by the name of the "board of trustees of the firemen's pension fund." The said board shall select from their number a president and secretary: *Provided*, that in villages and incorporated towns the "board of trustees of the firemen's pension fund" shall consist of the president of the board of trustees, the town or village clerk, the town or village attorney, and the chief officer of the fire department. [§ 404, ch. 24, R. S.]

966. MANAGEMENT OF FUND—ASSESSMENT OF MEMBERS—DECIDING UPON APPLICATIONS—RECORD OF MEETINGS.] § 3. The said board shall have exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid, or assessed for the relief or pensioning of disabled, superannuated and retired members of the fire departments, their widows and minor children, and shall assess each member of the fire department not to exceed 1 per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city, village or incorporated town, who shall be *ex officio* treasurer of such board, to the credit of such fund, subject to the orders of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board. The board shall cause to be kept a record of all its meeting and proceedings. [As amended by act approved March 28, 1889. In force July 1, 1889. L. 1889, p. 80; § 405, ch. 24, R. S.]

967. REWARDS, GIFTS, DEVISES, ETC.—PERMANENT FUND.] § 4. All rewards in moneys, fees, gifts and emoluments that may be paid

or given for, or on account of extraordinary services by said fire department, or any member thereof (except when allowed to be retained by said member, or given to endow a medal or other permanent or competitive award), shall be paid into said pension fund. The said board of trustees may take by gift, grant, devise or bequest, any money, real estate, personal property, right of property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars (\$100,000) in the whole; and such money, real estate, personal property, right of property or other valuable thing so obtained, also all fines and penalties imposed upon members of such fire department, shall in like manner be paid into said pension fund and treated as a part thereof, for the uses of such pension fund: *Provided*, that the sum of two hundred thousand dollars (\$200,000) which may be received and accumulated, shall be, when so received and accumulated, retained as a permanent fund, and thereupon and thereafter the annual income may be made available for the uses and purposes of such pension fund. [As amended by act approved March 28, 1889. In force July 1, 1889. L. 1889, p. 81; § 406, ch. 24, R. S.]

968. POWER OF BOARD TO DRAW FUND—INVESTING SAME—DEPOSIT OF SECURITIES.] § 5. The said board of trustees shall have power to draw such pension fund from the treasury of such city, village or incorporated town, and may invest such fund, or any part thereof, in the name of the "Board of Trustees of the Firemen's Pension Fund," in interest-bearing bonds of the United States, of the State of Illinois, of any county of this State, or of any township or any municipal corporation of the State of Illinois. And all such securities shall be deposited with the treasurer of said city, village or incorporated town as *ex officio* treasurer of said board, and shall be subject to the order of said board. [§ 407, ch. 24, R. S.]

969. INTEREST FROM INVESTMENT OF FUND—DIMINISHING RATE FROM LICENSES.] § 6. The interest received from any such investment of said fund, after said fund shall have reached the sum of \$200,000, shall be applicable to the payment of pensions under this act. And when such interest shall become so applicable, it shall be in the power of the council of said city, village or incorporated town to diminish such annual rate of one (1) per centum from licenses, so that said income from interest and from licenses shall meet the requirements of the pension lists, as provided by this act. [§ 408, ch. 24, R. S.]

970. RETIREMENT ON ACCOUNT OF PHYSICAL OR MENTAL DISABILITY.] § 7. If any member of the fire department of any such city, village, or incorporated town shall, while in the performance of his duty, become and be found, upon an examination by a medical officer ordered by said board of trustees to be physically or mentally permanently disabled, by reason of service in such department, so as to render necessary his retirement from service in said fire department, said board of trustees shall retire such disabled member from service in such fire department: *Provided*, no such retirement on account of disability shall occur unless said member has contracted said disability while in the service of such fire department. Upon such retirement the said board of trustees shall order the payment to such

disabled member of such fire department, monthly, from said pension fund, a sum equal to one-half the monthly compensation allowed to such member as salary at the date of his retirement. [As amended by act approved March 28, 1889. In force July 1, 1889. L. 889, p. 81; § 409, ch. 24, R. S.]

971. DEATH WHILE IN THE PERFORMANCE OF DUTY, ETC.—PENSION TO WIDOW—WHEN FUND INSUFFICIENT.] § 8. If any member of such fire department shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or if any member of such fire department shall, while in said service, die from any cause while in said service, or during retirement, or after retirement after 22 years' service, as hereinafter provided, and shall leave a widow, minor child or minor children under 16 years of age, surviving, said board of trustees shall direct the payment from said pension fund of the following sums monthly, to-wit: To such widow, while unmarried, \$30; to the guardian of such minor child or children, \$6 for each of said children until it, or they, reach the age of 16 years: *Provided, however,* that there shall not be paid to a family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his decease; or, if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof, the full amount per month, as hereinbefore provided, then, and in that event, an equal percentage of such monthly payments shall be made to each beneficiary thereof, until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries. [As amended by act approved March 28, 1889. In force July 1, 1889. L. 1889, p. 81. § 410, ch. 24, R. S.]

972. BENEFICIARIES UNDER PRIOR ACT.] § 9. The widows and orphans of deceased firemen and retired members of the fire department, who are now entitled to pension or annuity under the provisions of an act entitled "An Act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877, as amended, shall be entitled to the benefits, pensions and annuities provided for by this act: *Provided,* such persons shall thereupon cease to receive pensions, relief or benefits under said act of May 24, 1877. [§ 411, ch. 24, R. S.]

973. RETIREMENT AFTER TWENTY-TWO YEARS' SERVICE, ETC.] § 10. Any member of the fire department of any such city, village or incorporated town, after becoming 50 years of age and having served 22 years or more in such fire department, of which the last two years shall be continuous, may make application to be relieved from such fire department, or if he shall be discharged from such fire department the said board of trustees shall order and direct that said person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire department at the date of his retirement or discharge; and the said board,

upon the recommendation of the fire marshal or chief officer of any fire department provided for in this act, shall have the power to assign members of the fire department retired or drawing pensions under this act, to the performance of light duties in such fire department in case of extraordinary emergencies. After the decease of such member, his widow or minor child or children, under 16 years of age, if any surviving him, shall be entitled to the pension provided for in this act, but nothing in this or any other section of this act shall warrant the payment of any annuity to any widow of a deceased member of such fire department after she shall have re-married. [As amended by act approved March 28, 1889. In force July 1, 1889. L. 1889, p. 82. § 412, ch. 24, R. S.]

974. TO WHOM ACT APPLIES.] § 11. This act shall apply to all persons who are now, or shall hereafter become, members of such fire departments, and all such persons shall be eligible to the benefits secured by this act. [§ 413, ch. 24, R. S.]

975. TREASURER OF BOARD, CUSTODIAN OF FUND—BOOKS AND ACCOUNTS—BOND.] § 12. The treasurer of the board shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of the board; and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board; and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten day after his election or appointment, execute a bond to the city, village or incorporated town, with good and sufficient securities, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer; and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, village or incorporated town, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same in the name of such city, village or town, for the use of said board, or of any person or persons injured by such breach. [§ 414, ch. 24, R. S.]

976. DUTY OF MAYOR, OR OTHERS, TO DRAW WARRANTS.] § 13. It shall be the duty of the mayor, or the president of the board of trustees and clerk, or the comptroller, if there be one, and the officer or officers of such city, village or incorporated town who are or may be authorized by law to draw warrants upon the treasurer of such city, village or incorporated town, upon request made in writing by said board, to draw warrants upon the treasurer of such city, village or incorporated town, payable to the treasurer of said board, for all funds in the hands of the treasurer of such city, village or incorporated town belonging to said pension fund. [§ 415, ch. 24, R. S.]

977. MONEY PAID ONLY UPON WARRANTS SIGNED, ETC.—INTEREST FROM FUND.] § 14. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board duly entered in the records of the proceedings of the board. In case the said pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or deposit, shall belong to and constitute a part of said fund: *Provided*, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof, unless so authorized by the board. [§ 416, ch. 24, R. S.]

978. REPORT OF BOARD OF CONDITIONS OF FUND.] § 15. The board of trustees shall make report to the council of said city, village or incorporated town, of the conditions of said pension fund on the first day of January in each and every year. [§ 417, ch. 24, R. S.]

979. FUND NOT SUBJECT TO LEVY EITHER BEFORE OR AFTER ORDER OF DISTRIBUTION, ETC. [§ 16. No portion of said pension fund shall, either before or after its order of distribution by said board to such disabled members of said fire department, or to the widow or guardian of such minor child or children, or a deceased or retired member of such department, be held, seized, taken, subjected to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment against such member, or his said widow, or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever. [§ 418, ch. 24, R. S.]

980. REPEAL.] § 19. [17.] All acts and parts of acts inconsistent with this act are hereby repealed. [§ 419, ch. 24, R. S.]

TAX OR LICENSE FEE FROM FOREIGN FIRE INSURANCE COMPANIES.

AN ACT entitled, "An act to enable cities, towns and villages, organized under any general or special law to levy and collect a tax or license fee from foreign fire insurance companies for the benefit of organized fire departments." [This act became a law May 31, 1895, in force July 1, 1895. L. 1895, p. 104.]

981. FOREIGN FIRE INSURANCE COMPANIES TO PAY TAX OR LICENSE FEE—PENALTY.] § 1. All corporations, companies and associations not incorporated under the laws of this State, and which are engaged in any city, town or villages organized under any general or special law of this State, in effecting fire insurance, shall pay to the treasurer of the city, town or village for the maintenance, use and benefit of the fire department thereof, a sum of not exceeding 2 per cent of the gross receipts received by their agency in such city, town or village; 25 per cent of the amount so collected to be set apart and appropriated to the fund for the pensioning of disabled and superannuated

ated members of the fire department, and of the widows and orphans of deceased members of the fire department of cities, villages or incorporated towns whose population exceeds 50,000 and having a paid fire department. Cities, towns and villages are hereby empowered to prescribe by ordinances the amount of tax or license fee to be fixed, not in excess of the above rate, and at that rate such corporations, companies, and associations shall pay upon the amount of all premiums, which during the year ending on every first day of July shall have been received for any insurance effected or agreed to be effected in the city, town or village, by or with such corporation, companies or association, respectively. Every person who shall act in any city, town or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the 15th day of July of each and every year, render to the city, town or village clerk a full, true and just account, verified by his oath, of all the premiums which, during the year ending on every first day of July preceding such report, shall have been received by him, or any other person for him in behalf of any such corporation, company or association, and shall specify in said report the amounts received for fire insurance. Such agent shall also pay to the treasurer of any such city, town or village, at the time of rendering the aforesaid report, the amount of rates fixed by the ordinances of the said cities, towns or villages for which the companies, corporations or associations represented by them are severally chargeable by virtue of this act and the ordinances passed in pursuance hereof. If such account be not rendered on or before the day herein designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default, to transact any business of insurance in any such city, town or village until the said requisition shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation hereof. [Added by act approved April 24, 1901, in force July 1, 1901. L. 1901, p. 98. § 420, ch. 24, R. S.]

982. PENALTY FOR VIOLATING THIS ACT.] § 2. Any person or persons violating any of the provisions of this act shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand (1,000) dollars or imprisoned in the county jail not exceeding six (6) months, either or both, in the discretion of the court. The amount of said tax or license fee may also be recovered of said corporation, company or association, or its agent, by an action in the name and for the use of any such city, town or village as for money had and received. *Provided*, that this act shall only apply to such cities, towns and villages as have an organized fire department, or maintain some organization for the prevention of fires. [§ 421, ch. 24, R. S.]

983. REPEAL.] § 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed. [§ 422, ch. 24, R. S.]

INSURANCE PATROLMEN'S PENSION FUND.

AN ACT to create an organization and a fund for the pensioning of disabled fire insurance patrolmen, and the widows and children of deceased patrolmen, and authorizing the retirement from service and the pensioning of members of the fire insurance patrol in cities, villages and towns where the population exceeds 50,000 inhabitants having a paid fire insurance patrol. [Approved June 24, 1896; in force July 1, 1896. L. 1896, p. 101.]

984. IN WHAT CITIES, ETC., FUND MAY BE CREATED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities, villages or incorporated towns whose population exceeds 50,000 having a paid fire insurance patrol, a fund may be created by the board of underwriters of such cities, villages or towns for the pensioning of disabled fire insurance patrolmen and the widows and children of deceased patrolmen; to authorize the retirement from service and the pensioning of members of the fire insurance patrol, and for other purposes connected therewith. Such fund shall be controlled and managed by a board of trustees composed of the president, secretary, treasurer, chairman of the patrol committee, and the superintendent or chief officers of the fire insurance patrol of the board of underwriters of such city, village or town, under the name of "The Board of Trustees of the Patrolmen's Pension Fund." The said board shall select from their number a president, secretary and treasurer. [§ 423, ch. 24, R. S.]

985. CONTROL AND MANAGEMENT OF FUND—FUND SET ASIDE TO PAY, ETC.—RULES AND REGULATIONS.] § 2. The said board of trustees shall have exclusive control and management of all money donated, paid or assessed for the relief or pensioning disabled, superannuated and retired members of the fire insurance patrol, their widows and minor children, and shall assess each member of the fire insurance patrol not to exceed 1 per cent of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed. And the treasurer of the board of underwriters of such city, village or town shall set aside and pay to the treasurer of said board of trustees not to exceed 2 per cent of all moneys paid to him by insurance companies for the support of said fire insurance patrol, the same to be placed by the treasurer of said board of trustees to the credit of such fund, subject to the order of such board of trustees.

The said board of shall make all needful rules and regulations for its government in the discharge of its duties; shall hear and decide all applications for relief or pension under this act and its decisions on such applications shall be final and conclusive and not subject to review or reversal except by the board of trustees. The said board of trustees shall cause to be kept a record of all its meetings and proceedings. [§ 424, ch. 24, R. S.]

986. MONEY TO BE PAID INTO PENSION FUND, EXCEPT, ETC.] § 3. All rewards in moneys, fees, gifts and emoluments that shall be paid or given for or on account of extraordinary services by said fire insurance patrol or any member thereof (except when allowed to be retained by such member, or given to endow a medal or other permanent or competitive award) shall be paid into said pension fund. [§ 425, ch. 24, R. S.]

987. INVESTMENT OF FUNDS.] § 4. The said board of trustees may invest such funds or any part thereof in the name of the board of trustees of the patrolmen's pension fund in such interest bearing securities as may be approved by the said board of trustees, and all such securities shall be deposited with the treasurer and shall be subject to the order of said board of trustees. [§ 426, ch. 24, R. S.]

988. RETIREMENT OF MEMBER—PENSION.] § 5. If any member of the fire insurance patrol of such city, village or town shall, while in the performance of his duty, become and be found upon examination by a medical officer, ordered by said board of trustees, to be physically or mentally permanently disabled by reason of service in such department so as to render necessary his retirement from service in said fire insurance patrol, said board of trustees shall retire such member from service in such fire insurance patrol. Upon such retirement, the said board of trustees shall order the payment to said disabled member of said fire insurance patrol, monthly from such pension fund a sum equal to one-half of the monthly compensation allowed to such member as salary at the date of his retirement. [§ 427, ch. 24, R. S.]

989. PENSION FUND—TO WHOM AND WHEN PAID.] § 6. If any member of such fire insurance patrol shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or if any member of such fire insurance patrol shall die from any cause while in said service or during retirement, or after retirement after 22 years' service, as hereinafter provided, and shall leave a widow, or children under 16 years of age surviving, said board of trustees shall direct the payment from said pension fund of the following sum, monthly, to-wit:

To such widow, while unmarried, \$30; to the guardian of such minor child or children, \$6, for each of said children until it or they reach the age of 16 years: *Provided*, that there shall not be paid to a family of a deceased member, a total pension exceeding one-half the monthly salary of said deceased member at the time of his decease, or if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement.

If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then, and in that event, an equal percentage of such monthly payments shall be made to each beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of said persons. [§ 428, ch. 24, R. S.]

990. PENSIONS FOR MEMBERS OF THE FIRE INSURANCE PATROL RETIRED, ETC.] § 7. Any member of the fire insurance patrol of any city, village or town, after becoming 50 years of age and having served 22 years or more in such fire insurance patrol, of which the last two years shall be continuous, may make application to be relieved from such fire insurance patrol, or if he shall be discharged

from such fire insurance patrol, the said board of trustees shall order and direct that such person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire insurance patrol at the date of his retirement or discharge. And the said board, upon the recommendation of the superintendent or chief officer of the patrol provided for in this act, shall have the power to assign members of the fire insurance patrol, retired or drawing pensions under this act, to the performance of light duties in said fire insurance patrol. After the decease of such member, his widow, or minor child or children under 16 years of age, if any surviving, shall be entitled to the pension provided for in this act. But nothing in this or any other section of this act shall warrant the payment of any annuity to any widow of a deceased member of such fire insurance patrol after she shall have remarried. [§ 429, ch. 24, R. S.]

991. TO WHOM THIS ACT APPLIES.] § 8. This act shall apply to all persons who are now or shall hereafter become members of such fire insurance patrol, and all such persons shall be eligible to the benefits secured by this act. [§ 430, ch. 24, R. S.]

992. CUSTODIAN OF FUND—BOND.] § 9. The treasurer of the board of trustees shall be the custodian of said pension fund and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as shall be prescribed by the board of trustees; and the said books and accounts shall always be subject to the inspection of the board of trustees or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the board of underwriters with good and sufficient security in such penal sum as the board shall direct, to be approved by the board of trustees, conditioned for the faithful performance of the duties of his office, and that he will safely keep, hold and truly account for all moneys and property which may come into his hands as such treasurer, and that upon the expiration of his term of office he will surrender and turn over to his successor all unexpended moneys and all property which may have come into his hands as treasurer of such fund. Such bond shall be filed in the office of the board of underwriters, and in case of a breach of the same or the conditions thereof, suit may be brought on the same in the name of such board of underwriters for the use of such board or of any person or persons injured by such breach. [§ 431, ch. 24, R. S.]

993. MONEY, HOW PAID—WHEN DEPOSITED—INTEREST.] § 10. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board of trustees and duly entered in the record of the proceedings of the board. In case the said pension fund or any part thereof shall by order of said board of trustees or otherwise be deposited in any bank or loaned, all interest on money which may be paid or agreed to be paid on account of any such loan or deposit shall

belong to and constitute a part of such fund: *Provided*, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit such fund or any part of such fund unless so authorized by the board of trustees. [§ 432, ch. 24, R. S.]

994. REPORT.] § 11. The board of trustees shall make report to the board of underwriters of such city, village or town of the condition of such pension fund on the first day of January of each and every year. [§ 433, ch. 24, R. S.]

995. FUNDS NOT LIABLE TO EXECUTION, ETC.] § 12. No portion of said pension fund shall either before or after its order of distribution by such board to such disabled members of said fire insurance patrol or to the widow or guardian of such minor child or children of deceased or retired member of such fire insurance patrol be held, seized, taken, subjected to, or detained, or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued of or by any court of this State for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment against such member or his widow or the guardian of said minor child or children of any deceased member, but the said fund shall be sacredly held, kept secure and distributed for the purpose of pensioning the persons named in this act and for no other purpose whatever. [§ 434, ch. 24, R. S.]

FINES PAID HUMANE SOCIETIES.

AN ACT to provide for the payment of fines paid in money, upon all prosecutions for cruelty to animals or children to the support of societies for the prevention of cruelty to animals and children, or humane societies. [Approved June 22, 1886. In force July 1, 1886. L. 1886, p. 200.]

996. TO BE PAID TO SOCIETIES FOR PREVENTION OF CRUELTY, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all the fines, paid in money, imposed through the agency of any humane society or society for the prevention of cruelty to animals and children under the laws of the State of Illinois, shall, when collected, be paid into the treasury of such society, to be applied towards its support. [§ 471, ch. 38, R. S.]

997. SOCIETY TO BE INCORPORATED UNDER LAWS OF ILLINOIS.] § 2. That all the fines paid in money imposed through the agency of any humane society (or society for the prevention of cruelty to animals and children) under the laws or ordinances of any city, town or village, within the State of Illinois, may, when collected, be paid into the treasury of such society: *Provided*, such society named in this act shall be incorporated under and by virtue of the laws of the State of Illinois. [§ 472, ch. 38, R. S.]

CEMETERIES AND CEMETERY GROUNDS—CONTROL BY CITIES.

AN ACT to provide for the removal of cemeteries. [Approved April 24, 1873; in force July 1, 1873. L. 1873, p. 64.]

998. WHEN CEMETERY MAY BE REMOVED—EXPENSE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any cemetery shall be embraced

within the limits of any town or city, it shall be lawful for the corporate authorities thereof, if, in their opinion, any good cause exists why such cemetery should be removed, to cause the remains of all persons interred therein to be removed to some other suitable place: *Provided*, said corporate authorities shall have first obtained the assent of the trustees or other persons having the control or ownership of said cemetery, or a majority thereof: *And, provided further*, that when such cemetery is owned by one or more private parties, or private corporation or chartered society, the corporate authorities of such town or city may require the removal of such cemetery to be done at the expense of such private parties, or private corporation or chartered society, if such removal be based upon their application. [§ 2. ch. 21, R. S.]

SALE OF CEMETERY LAND.

AN ACT to enable cemetery companies to sell and convey land not required for burial purposes. [Approved Feb. 12, 1874; in force July 1, 1874.]

999. WHEN CEMETERY LAND MAY BE SOLD.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where cemetery companies, incorporated by special law, have been or shall be prohibited by any act of the legislature or municipal ordinance from occupying any land purchased for burial purposes, and the boundaries limited by such law or ordinance, it shall and may be lawful for any such company to sell and convey the land outside of such boundaries for other than burial purposes. [§ 3, ch. 21, R. S.]

MUNICIPALITIES MAY ESTABLISH CEMETERIES.

AN ACT to amend an act entitled, "An act to enable cities and villages to establish and regulate cemeteries," approved March 24, 1874, amended by an act approved May 25, 1877, in force July 1, 1877. [Approved and in force June 14, 1883. L. 1883. p. 55.]

1000. ENACTING CLAUSE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "An act to enable cities and villages to establish and regulate cemeteries," approved March 24, 1874, and amended by an act approved May 25, 1877, be, and the same is so amended, as to read as follows: [§ 4, ch. 21, R. S.]

1001. POWER OF CITY, VILLAGE, TOWNSHIP AND ASSOCIATIONS TO ESTABLISH.] § 1. That any city, village or township in this State may establish and maintain cemeteries, within and without its corporate limits, and acquire lands therefor, by condemnation or otherwise, and may lay out lots of convenient size for families; and may sell lots for family burying ground, or to individuals for burial purposes: *Provided*, associations duly incorporated under the laws of this State for cemetery purposes shall have the same power and authority to purchase lands and sell lots for burial purposes as are conferred upon cities, villages or townships under this act. [As amended by act approved May 11, 1901; in force July 1, 1901; L. 1901, p. 94. § 5, ch. 21, R. S.]

1002. POWER OF TWO OR MORE CITIES, VILLAGES, OR TOWNSHIPS TO ESTABLISH JOINTLY.] § 2. That any two or more cities, villages or townships in this State may jointly unite in establishing and maintaining cemeteries within and without the corporate limits of either, and acquire lands therefor in common, by purchase, condemnation or otherwise, and may lay out lots of convenient size for families, and may sell lots for family burying ground or to individuals for burial purposes. [§ 6, ch. 21, R. S.]

1003. EMERGENCY.] § 3. WHEREAS, the legislative authorities of certain cities in this State are desirous of uniting together immediately in establishing burial grounds or cemeteries under the provisions of the second section of this act, whereby an emergency exists, that this act should take effect without delay, therefore this act shall take effect and be in force from and after its passage. [§ 7, ch. 21, R. S.]

SALE OF MUNICIPAL PROPERTY FOR CEMETERY PURPOSES.

AN ACT to enable the mayor and aldermen of certain cities to lease or convey real estate. [Approved April 15, 1875, in force July 1, 1875. L. 1875, p. 40.]

1004. WHEN LAND LEASED OR SOLD FOR CEMETERY PURPOSES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities of which the mayor and aldermen have heretofore been incorporated by any special act, as a cemetery association or body politic, it shall be lawful, a majority of their number assenting thereto, for such association or body politic, to demise for a term of years, or to convey in perpetuity any real estate which it may have acquired by purchase or otherwise; and the real estate so conveyed shall be devoted exclusively for burial or cemetery purposes by the grantee or lessee thereof. [§ 8, ch. 21, R. S.]

CONTROL OF PUBLIC CEMETERIES BY MUNICIPALITIES.

AN ACT in relation to the control of public graveyards. [Approved May 29, 1879, in force July 1, 1879. L. 1879, p. 63.]

1005. CONTROL BY CORPORATE AUTHORITIES. § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That public graveyards in this State, not under the control of any corporation, sole organization or society and located within the limits of cities, villages, town, townships or counties not under township organization, shall and may be controlled or vacated by the corporate authorities of such city, village, town, township or county, in such manner as such authorities may deem proper, and in the case of towns, such control may be vested in three trustees, to be elected annually by the voters of such town at the annual town meeting therein. [§ 14, ch. 21, R. S.]

MUNICIPAL CONTRIBUTIONS TO HOSPITALS.

AN ACT to enable cities and counties in this State to contribute towards the support of non-sectarian public hospitals located within their respective limits. [Approved May 23, 1889, in force July 1, 1889; L. 1889, p. 167.]

1006. CITY, ETC., MAY CONTRIBUTE TO NON-SECTARIAN HOSPITAL.] § 1. *Be it enacted by the People of the State of Illinois, repre-*

sented in the General Assembly: That it shall be lawful for any county or any city of this State to contribute such sum or sums of money towards the support of any non-sectarian public hospital for the sick or infirm, located within its limits, as the county board of the county, or city council of the city, shall deem discreet and proper. [§ 148, ch. 23, R. S.]

PUBLIC HOSPITALS IN CITIES.

AN ACT to enable cities to establish and maintain public hospitals. [Approved June 17 1891; in force July 1, 1891; L. 1891, p. 142.]

1007. WHAT CITIES MAY ESTABLISH NON-SECTARIAN PUBLIC HOSPITALS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council of each incorporated city of this State having a population of less than one hundred thousand (100,000) inhabitants shall have the power to establish and maintain a non-sectarian public hospital for the use and benefit of the inhabitants of such city, and any person falling sick, or being injured or maimed within its limits, and may levy a tax not to exceed 2 mills on the dollar annually, on all the taxable property of the city, such tax to be levied and collected in like manner with the general taxes of the said city, and to be known as the "hospital fund." [§ 149, ch. 23, R. S.]

1058. HOW ESTABLISHED—ELECTION—NOTICE—TAXATION.] § 2. When 100 legal voters of any such incorporated city shall present a petition to the city council of such city, asking that an annual tax may be levied for the establishment and maintenance of a public hospital in such city, and shall specify in their petition a rate of taxation not to exceed 2 mills on the dollar, such city council shall instruct the city clerk to and such city clerk shall, in the next legal notice of the regular annual election in such city, give notice that at such election every elector may vote "for a mill tax for a public hospital," or "against a mill tax for a public hospital," specifying in such notice the rate of taxation mentioned in said petition; and if the majority of all the votes cast in such city shall be "for the tax for a public hospital," the tax specified in such notice shall be levied and collected in like manner with other general taxes of said city, and shall be known as the "hospital fund," and thereafter the city council of such city shall include and appropriate in the annual appropriation bill such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such hospital. [§ 150, ch. 23, R. S.]

1009. BOARD OF DIRECTORS.] § 3. When any such city council shall have decided to establish and maintain a public hospital under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of three directors, one of whom may be a woman, for the same, chosen from the citizens at large, with reference to their fitness for such office. [§ 151, ch. 23, R. S.]

1010. DIRECTORS' TERM OF OFFICE—REMOVAL.] § 4. Said directors shall hold office, one-third for one year, one-third for two years and one-third for three years from the first of July following their

appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July each year, appoint as before one director to take the place of the retiring director, who shall hold office for three years, and until his successor is appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty. [§ 152, ch. 23, R. S.]

1011. VACANCIES—HOW FILLED.] § 5. Vacancies in the board of directors occasioned by removals, resignation or otherwise, shall be reported to the city council and be filled in like manner as original appointments, and no director shall receive compensation as such and shall not be interested either directly or indirectly, in the purchase or sale of any supplies for said hospital. [§ 153, ch. 23, R. S.]

1012. ORGANIZATION AND POWER OF BOARD.] § 6. Said directors shall immediately after appointment, meet and organize by the election of one of their number president, and one as secretary, and by the election of such other officer as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the hospital as may be expedient, not inconsistent with this act and the ordinances of said city. They shall have the exclusive control of the expenditures of all moneys collected to the credit of the "hospital fund," and of the construction of any hospital building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such hospital shall be deposited in the treasury of said city to the credit of the "hospital fund," and drawn upon by the proper officers of said city upon the properly authenticated vouchers of the hospital board. Said board shall have the power to purchase or lease ground, to occupy, lease or erect an appropriate building or buildings for the use of said hospital; shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public hospital, and one or all of said directors shall visit and examine said hospital at least twice each month and make monthly reports of its condition to the city council. [§ 154, ch. 23, R. S.]

1013. FOR WHOSE BENEFIT ESTABLISHED.] § 7. Every hospital established under this act shall be for the benefit of the inhabitants of such city, and any person falling sick or being injured or maimed within its limits; but every such inhabitant or person who is not a pauper shall pay to such board or such officer as it shall designate for such city, such reasonable compensation for occupancy, nursing, care, medicines or attendance, according to the rules and regulations prescribed by said board; such hospital always being subject to such reasonable rules and regulations as said board may adopt in order to render the use of said hospital of the greatest benefit to the greatest number; and said board may exclude from the use of said hospital any and all inhabitants and persons who shall willfully violate such

rules or regulations. And said board may extend the privileges and use of such hospital to persons residing outside of such city in this State, upon such terms and conditions as said board may from time to time by its rules and regulations prescribe. [§ 155, ch. 23, R. S.]

1014. DUTY OF DIRECTORS—MEETINGS—FUNDS—REPORT, WHAT TO CONTAIN.] § 8. Said board of directors shall, in the name of such city, receive and collect from such inhabitant or person the compensation aforesaid, and shall as often as once in each month, pay over to the city treasurer all compensation received or collected during the month, and take the receipt of such treasurer therefor; and shall also at the regular monthly meeting of the city council report to such city council the names of the persons or inhabitants from whom such compensation has been received or collected, and the amount so received or collected from each and the date when so received or collected. And said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the "hospital fund" and from other sources, and how such money has been expended and for what purposes; the number of patients and such other statistics, information and suggestions as they may deem of general interest. [§ 156, ch. 23, R. S.]

1015. RULES AND REGULATIONS.] § 9. When such hospital is so established, the physicians, nurses, attendants, the persons sick therein and all persons approaching or coming within the limits of the same, and all furniture and other articles used or brought there shall be subject to such rules and regulations as said board may prescribe. [§ 157, ch. 23, R. S.]

1016. DONATIONS—MAY VEST TITLE.] § 10. Any person desiring to make donations of money, personal property or real estate for the benefit of such hospital, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees. [§ 158, ch. 23, R. S.]

1017. PHYSICIANS—PRIVILEGES OF.] § 11. All physicians who are recognized as legal practitioners by the State Board of Health of Illinois shall have equal privileges in treating patients in said hospital.

REGULATING TENEMENT AND LODGING HOUSES, ETC.

AN ACT for the regulation and inspection of tenement and lodging houses, or other places of habitation. [Approved and in force May 30, 1881. L. 1881, p. 155.]

1018. ARCHITECT—PLANS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of any architect or architects, builder or builders of, or other person or persons interested in any projected tenement, lodging house, or other places of habitation, in any incorporated city of fifty thousand (50,000) inhabitants, to submit plans and specifications of any such building or buildings to the health commissioner

or commissioners of such incorporated city that the said health commissioner or commissioners may examine the said plans and specifications, for his or their approval or rejection, as to the proposed plans for the ventilation of rooms, light and air shafts, windows, ventilation of water closets drainage and plumbing. [§ 303, ch. 24, R. S.]

1019. DUTY OF PLUMBER.] § 2. It shall be the duty of any plumber or other person or persons interested in the contract for the plumbing work of such building or buildings, to receive a written certificate of instruction from the health commissioner or commissioners before commencing work on the said building or buildings, and to proceed according to the plans, specifications and instructions, as approved by the health commissioner or commissioners of said city. [§ 304, ch. 24, R. S.]

1020. HEALTH COMMISSIONER—NOTICE.] § 3. It shall be the duty of any plumber or other persons or persons interested in the plumbing work, after the completion of said plumbing work, and before any of the said plumbing work is covered up in any building or buildings, or on the premises connected with said building or buildings, to notify in writing the health commissioner or commissioners, that said building or buildings, or other premises are now ready for inspection, and it shall be unlawful for any plumber or other person or persons to cover up, or in any way conceal such plumbing work in or about such building or buildings until the health commissioner or commissioners approve of the same. [§ 305, ch. 24, R. S.]

1021. ARCHITECT—PENALTY.] § 4. If any architect or architects, builder or builders, violate the provisions of this act, he or they shall be fined in a sum not less than one hundred (100) nor more than two hundred (200) dollars for each offense. [§ 306, ch. 24, R. S.]

1022. PENALTY—PLUMBER. § 5. If any plumber or other person or persons interested in the plumbing work, violate any of the provisions of this act, he or they shall be fined in the sum not less than one hundred (100) nor more than two hundred (200) dollars for the first offense, and the further penalty of ten dollars (\$10) for each and every day such plumbers or other interested person or persons shall, after first conviction, neglect or refuse to comply with any provisions of this act, or the written instructions of the health commissioner or commissioners, and for the second offense, a like penalty and a forfeiture of his or their license to do business in said city for one (1) year after conviction. [§ 307, ch. 24, R. S.]

1023. EMERGENCY.] § 6. Inasmuch as the health of the people is endangered, an emergency exists requiring this act to take effect immediately; therefore, this act shall take effect and be in force from and after its passage. [§ 308, ch. 24, R. S.]

LODGING HOUSES IN CITIES—BOARD OF HEALTH TO INSPECT.

AN ACT to amend an act entitled, "An act to create and establish a board of health in the State of Illinois," approved May 23, 1877, in force July 1, 1877, by adding thereto four new sections to be numbered fifteen (15), sixteen (16), seventeen (17) and eighteen (18). [Approved and in force April 21, 1899. L. 1899, p. 355.]

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to create and establish a board of health in the State of Illinois," be and the same is hereby amended by adding thereto four new sections to be known as sections fifteen (15), sixteen (16), seventeen (17) and eighteen (18), all of which shall read as follows, towit:

1024. SUPERVISION OVER WHAT LODGING HOUSES, ETC.] § 15. The State Board of Health shall have supervision of all lodging houses, boarding houses, taverns, inns and hotels in cities of 100,000 inhabitants or more, as hereinafter provided. They shall, from time to time, inspect, or cause to be inspected, all such lodging houses, boarding houses, taverns, inns and hotels, to see that the provisions of this act are duly and properly observed by the landlords, proprietors, keepers, managers and clerks of such lodging houses, boarding houses, taverns, inns and hotels; and any landlord, proprietor, keeper, manager, clerk, employé or other person connected with any such lodging house, boarding house, tavern, inn or hotel, who shall interfere with or obstruct any such inspection, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$100. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 304; § 15, ch. 126a, R. S.]

1025. HOW ROOM IN LODGING HOUSES, ETC., TO BE OCCUPIED—PENALTY.] § 16. It shall be unlawful for any landlord, proprietor, keeper, manager or clerk of any lodging house, boarding house, tavern, inn or hotel, to permit any room in such lodging house, boarding house, tavern, inn or hotel, to be used or occupied for sleeping purposes which does not contain four hundred (400) cubic feet or more of air space for each person sleeping therein at the same time; and in every room in any lodging house, boarding house, tavern, inn or hotel containing more than one bed, the beds shall be so arranged as to leave a passageway of not less than two feet horizontally on all sides of each bed; and all beds shall be so arranged that under each of them the air shall freely circulate, and there be adequate ventilation.

Any landlord, proprietor, keeper, manager, clerk, employé or other person connected with any lodging house, boarding house, tavern, inn or hotel, violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding \$100 nor less than \$25. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 304; § 16, ch. 126a, R. S.]

1026. REGISTER TO BE KEPT—WHAT TO SHOW—PENALTY.] § 17. The landlord, proprietor, keeper, manager, or clerk of every such lodging house, boarding house, tavern, inn or hotel, shall keep in the office, or other public place therein, a register in which shall be entered the name and residence of every person who becomes a

lodger, boarder or guest in such lodging house, boarding house, tavern, inn or hotel, and such register shall also show the number of the room or bed occupied by such person, and shall show the date of his arrival, and the period for which he engaged board or lodging. Such register shall always be accessible, without charge, to any officer, or duly authorized agent of said State Board of Health. Any landlord, proprietor, keeper, manager or clerk of such lodging house, boarding house, tavern, inn or hotel, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than \$25, and not to exceed \$100. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 305; § 17, ch. 126a, R. S.]

1027. LANDLORD, ETC., TO FILE STATEMENT WITH COUNTY CLERK—WHAT TO CONTAIN—PENALTY.] § 18. Within 30 days from the date upon which this act shall take effect, and upon the first day of March, of each succeeding year, the landlord, proprietor, keeper or manager of every such lodging house, boarding house, tavern, inn or hotel, shall file with the county clerk of the county in which such lodging house, boarding house, tavern, inn or hotel is located, a written statement, sworn to by him; which statement shall contain the name of the person making the statement; whether such person is the landlord, proprietor, keeper or manager of such lodging house, boarding house, tavern, inn or hotel; the location of such lodging house, boarding house, tavern, inn or hotel, according to the city, street and number; the period of time during which such person has been the landlord, proprietor, keeper or manager of such lodging house, boarding house, tavern, inn or hotel; the period of time during which such lodging house, boarding house, tavern, inn or hotel has been continuously operated as such; the number of guests or persons then stopping in said lodging house, boarding house, tavern, inn or hotel; the greatest number of persons who stopped in said lodging house, boarding house, tavern, inn or hotel, upon any day within the 30 days immediately preceding the date of such sworn statement; the smallest number of persons upon any day within said period of 30 days; the total number of rooms contained in such lodging house, boarding house, tavern, inn or hotel; the number of sleeping rooms contained in such lodging house, boarding house, tavern, inn or hotel; the length and breadth of the building in which such lodging house, boarding house, tavern, inn or hotel is located; the number of stories, comprised in such building; the number of stories and parts of stories, in such building, occupied by such lodging house, boarding house, tavern, inn or hotel; the complete dimensions, in feet, respectively, of the smallest and largest sleeping room contained in such lodging house, boarding house, tavern, inn or hotel, and the number of beds contained in said largest sleeping room. Such statement shall be made upon blanks furnished to the county clerk by the State Board of Health, for that purpose.

Any landlord, proprietor, keeper or manager of any lodging house, boarding house, tavern, inn or hotel, who fails or refuses to make and file, within and at the time herein mentioned, the statement required

by this section to be made, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25, nor more than \$100. [As amended by act approved May 10, 1901. In force July 1, 1901, L. 1901, p. 306; § 18, ch. 126a, R. S.]

STEAM BOILER EXPLOSIONS.

AN ACT to insure the better protection of life and property from steam boiler explosions. [Approved June 3, 1899. In force July 1, 1899. L. 1899, p. 68.]

1028. PERSONS IN CHARGE OF STEAM BOILERS—LICENSE—PENALTY.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council in cities, and the president and board of trustees in towns and villages, shall have power to adopt ordinances within their respective limits, to provide for the examination, licensing and regulation of persons having charge of steam boilers under steam pressure, exhausting through an engine, to fix the amount, terms and manner of issuing and revoking licenses to such persons; to provide that it shall not be lawful for any person to exercise, within the limits of the respective cities, towns and villages which may adopt such ordinances, the business of operating steam boilers, under steam pressure, exhausting through an engine, without a license; and to provide that any person violating the provisions of such ordinances shall be liable to a penalty for each breach thereof. [§ 440, ch. 24, R. S.]

1029. BOARD TO EXAMINE—LICENSE, ETC.] § 2. To require that all persons engaged in such occupation within the jurisdiction of such towns, cities and villages, so adopting such ordinances, shall submit to an examination by a competent board of examiners to be appointed by such councils and boards of trustees, touching their competency and qualifications in regard to such vocations, with power to such board of examiners to license such persons as may be found capable and trustworthy in that behalf. [§ 440, ch. 24, R. S.]

UNCOVERED PATROL WAGONS—PENALTY.

AN ACT to prevent the use of uncovered patrol wagons for the conveyance of prisoners, and prescribing certain penalties for the violation thereof. [Approved June 17, 1893. In force July 1, 1894. L. 1893, p. 76.]

1030. PATROL WAGONS TO BE COVERED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all cities of 50,000 inhabitants or upwards in this State owning, controlling or using patrol wagons, omnibuses, vans or other vehicles of any class or kind, for the purpose of conveying prisoners to police stations, jails, houses of correction, penitentiaries or other places for the detention of such prisoners, shall provide suitable covers or canopies for such patrol wagons, omnibuses, vans or other vehicles, so that the prisoners who may be conveyed therein shall not be exposed to public view. [§ 441, ch. 24, R. S.]

1031. UNLAWFUL TO CONVEY PRISONER IN UNCOVERED PATROL WAGON.] § 2. It is and shall be unlawful for the authorities or officers of any such city in this State to compel any person who is under arrest, imprisoned or detained, or in their care, custody or charge, to

ride or to be driven in an open or uncovered patrol wagon, omnibus, van or other vehicle of any class or kind, named in the first section of this act in or through the public streets, or other public places in this State. [§ 442, ch. 24, R. S.]

1032. PENALTY.] § 3. Any sheriff, coroner, constable, marshal, policeman, warden, superintendent, or other officer of such city, violating the provisions of this act, shall be fined not less than \$10 nor more than \$100. *Provided*, this act shall not become a law nor go into effect until July 1, 1894. [§ 443, ch. 24, R. S.]

LICENSING OF PLUMBERS.

AN ACT to provide for the licensing of plumbers and to supervise and inspect plumbing.
[Approved June 10, 1897; in force July 1, 1897; L. 1897, p. 279.]

1033. PERSON WORKING AS PLUMBER TO RECEIVE CERTIFICATE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person now or hereafter engaging in or working at the business of plumbing in cities or towns of 5,000 inhabitants or more in this State, either as a master plumber or employing plumber or as a journeyman plumber, shall first receive a certificate thereof, in accordance with the provisions of this act. [§ 498, ch. 24, R. S.]

1034. BOARD TO EXAMINE PLUMBER'S CERTIFICATE.] § 2. Any person desiring to engage in or work at the business of plumbing, either as a master plumber or employing plumber, or as a journeyman plumber, shall make application to a board of examiners hereinafter provided for, and shall, at such time and place as said board shall designate, be compelled to pass such examination as to his qualifications as said board may direct; said examination may be made in whole or in part in writing, and shall be of a practical and elementary character but sufficiently strict, to test the qualifications of the applicant. [§ 499, ch. 24, R. S.]

1035. BOARD TO BE APPOINTED BY THE MAYOR } § 3. That there shall be in every city, town or village of 10,000 inhabitants or more, a board of examiners of plumbers, consisting of three members, one of which shall be the chairman of the board of health, who shall be *ex officio* chairman of said board of examiners, a second member, who shall be a master plumber, and a third member, who shall be a journeyman plumber. Said second and third members shall be appointed by the mayor and approved by the [city] council or by the board of trustees of said town or village, within three months after the passage of this act, for the term of one year from the first day of May, in the year of appointment, and thereafter annually before the first day of May, and shall be paid from the treasury of said city, town or village, the same as other officers, in such sums as the authorities may designate. [§ 500, ch. 24, R. S.]

1036. MEETING OF BOARD OF EXAMINERS—SCOPE OF EXAMINATION—CERTIFICATE OF QUALIFICATION—FEE FOR.] § 4. Said board of examiners shall, as soon as may be, after the appointment, meet and shall then designate the times and places for the examination of all

applicants desiring to engage in, or work at, the business of plumbing, within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation; and, if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant, authorizing him to engage in, or work at, the business of plumbing, whether as master plumber, or employing plumber, or as a journeyman plumber.

The fee for a certificate for a master plumber, or employing plumber, shall be \$5.00; for a journeyman plumber it shall be \$1.00. Said certificate shall be valid and have force throughout the State, and all fees received for said certificates shall be paid into the treasury of the city, town or village where said certificates are issued. [§ 501, ch. 24, R. S.]

1037. CITIES, ETC., TO PRESCRIBE RULES AND REGULATIONS FOR THE MATERIAL, CONSTRUCTIONS, ALTERATIONS AND INSPECTION OF ALL PLUMBING AND SEWERAGE, ETC.] § 5. Each city, town or village in this State having a system of water supply or sewerage, shall, by ordinance or by-law, within three months of the passage of this act, prescribe rules and regulations for the materials, constructions, alteration and inspection of all plumbing and sewerage placed in, or in connection with, any building in such city, town or village; and the board of health, or proper authorities, shall further provide that no plumbing work shall be done, except in case of repairing leaks, without a permit being first issued therefor, upon such terms and conditions as such city, town or village shall prescribe. [§ 502, ch. 24, R. S.]

1038. WHO REQUIRED TO TAKE EXAMINATION AND PROCURE CERTIFICATES.] § 6. All persons who are required by this act to take examinations and procure a certificate as required by this act shall apply to the board in the city where he resides or to the board nearest his place of residence. [§ 503, ch. 24, R. S.]

1039. PENALTY FOR VIOLATING ACT.] § 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and be subject to a fine of not less than five dollars (\$5) nor exceeding fifty dollars (\$50) for each and every violation therefor, and his certificate may be revoked by the board of health or proper authorities of said city, town or village. [§ 504, ch. 24, R. S.]

1040. REPEAL.] § 8. All acts and parts of acts inconsistent herewith are hereby repealed. [§ 505, ch. 24, R. S.]

CONTRACTS FOR COLLECTION AND DISPOSITION OF GARBAGE.

AN ACT to authorize cities of a certain class to make contracts for a period exceeding one year relating to the collection and final disposition of garbage. [Approved and in force March 30, 1897. L. 1897, p. 95.]

1041. IN CITIES HAVING MORE THAN 100,000 INHABITANTS—NOT EXCEEDING FIVE YEARS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any city having a population of more than 100,000 inhabitants, as shown by any school census or by the federal census, shall be and hereby is

authorized and empowered to make contracts for more than one year and not exceeding five years, relating to the collection and final disposition of garbage and ashes. [§ 623, ch. 24, R. S.]

1042. CITY COUNCIL TO MAKE ANNUAL APPROPRIATION.] § 2. Whenever any city shall make any such contract as is authorized by this act, it shall be and is hereby made the duty of the city council of such city to include in the annual appropriation ordinance of each current fiscal year, an appropriation of a sum of money, sufficient to pay the amount, which under and by the terms of any such contract, shall become due and payable during such current fiscal year. [§ 624, ch. 24, R. S.]

1043. REPEAL.] § 3. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed. [§ 625, ch. 24, R. S.]

1044. EMERGENCY.] § 4. Whereas an emergency exists, this act shall be in force and effect from and after its passage. [§ 626, ch. 24, R. S.]

CREATION OF ART COMMISSIONS.

AN ACT to provide for the creation of art commissions in cities and to define their powers.
[Approved April 24, 1899, in force July 1, 1899. L. 1899, p. 89.]

1045. WHEN ART COMMISSION MAY BE CREATED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Whenever in any city in this State the city council shall deem it advisable they may by ordinance provide for the creation of a commission to be known as the Art Commission of such city. [§ 633, ch. 24, R. S.]

1046. WHO TO CONSTITUTE COMMISSION.] § 2. Such commission shall consist of the mayor of such city, the president or chief officer of the principal art institute, or similar incorporated organization, if there be any in such city, the presidents or president of the board or boards of park commissioners of any parks, park or system of parks within the limits of such city under the control of a board or boards of park commissioners (all of whom shall serve as members of the State Art Commission during the continuance of their said several offices) and three other members, residents of said city, to be appointed by the mayor. One of said three members shall be a painter, one a sculptor and one an architect. [§ 634, ch. 24, R. S.]

1047. TERMS OF MEMBERS—VACANCY.] § 3. The said three members to be appointed by the mayor shall serve for one year, for two years and for three years as members of said commission, and shall determine by lot their respective terms of office. After the expiration of said terms of office their successors shall be appointed for a term of three years in each case. All appointments to fill vacancies shall be for the unexpired term. In case any vacancy shall occur in the commission for any reason, the vacancy shall be filled by appointment as provided in the preceding section. [§ 635, ch. 24, R. S.]

1048. NO COMPENSATION—RULES—QUORUM.] § 4. The commission shall serve without compensation as such, and shall elect a presi-

dent and secretary from its own members, whose term of office shall be for one year, and until their successors are elected and qualified.

The commission shall have power to adopt its own rules of procedure. Five commissioners shall constitute a quorum. [636, ch. 24, R. S.

1049. OFFICES TO BE PROVIDED.] § 5. Suitable offices shall be provided for the commission by the common council of such city, and the expenses of the commission shall be paid by appropriation made therefor by said common council annually. [§ 637, ch. 24, R. S.

1050. PURCHASE OF WORKS OF ART TO BE APPROVED BY THE COMMISSION—DUTIES OF COMMISSION.] § 6. Hereafter no work of art shall become the property of such city by purchase, gift or otherwise, unless such work of art, or a design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the commission; nor shall such work of art until so approved be erected or placed in or upon, or allowed to extend over or upon any street, avenue, square, common, municipal building or other place belonging to such city, or any park, boulevard, or public ground situated within the limits of such city. The commission may, when they deem proper, also require a complete model of the proposed work of art to be submitted. The term "work of art," as used in this connection, shall apply to and include all paintings, mural decorations, stained glass, statues, bas reliefs, or other sculptures, ornaments, fountains, images or other structure of a permanent character intended for ornament or commemoration. The term municipal building, as used in this connection, shall include all public schools and all buildings or portions thereof, and all grounds used for school purposes in such city. No existing work of art in the possession of the city, or in any parks, boulevards, public grounds, school buildings or school grounds aforesaid, shall be removed, relocated, or altered in any way without the similar approval of the commission, except as provided in section 8 of this act. When so requested by the mayor or the common council the commission shall act in a similar capacity with similar powers in respect of designs of buildings, bridges, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the city or a part of any of the parks, public grounds or boulevards within the limits or such city, and in respect of the lines, grades and platting of the public ways and grounds, and in respect of the arches, bridges, structures and approaches which are the property of any corporation or private individual, and which shall extend over or upon any street, avenue, highway, boulevard, park or other public place belonging to or within the limits of such city.

But this section shall not be construed as impairing the power of any park board to refuse its consent to the erection or acceptance of public monuments or memorials or other works of art or structures of any sort within any park, boulevard or other public ground under their control in such city. [§ 638, ch. 24, R. S.

1051. WHEN DECISION UNNECESSARY.] § 7. If the commission shall fail to decide upon any matter submitted to it within 60 days after such submission, its decision shall be deemed unnecessary. [§ 639, ch. 24, R. S.]

1052. REMOVAL OR RELOCATION OF WORKS OF ART.] § 8. In case the removal or relocation of any existing work of art or other matter that under the provisions of section 6 would be within the control of the art commission shall be deemed necessary by those in power to cause such removal or relocation, the commission shall, within 48 hours after notice, approve or disapprove of such removal or relocation, and in case of their failure so to act within 48 hours after the receipt of such notice, they shall be deemed to have approved of such removal or relocation. [§ 640, ch. 24, R. S.]

GRANTS LAND UNDER LAKE MICHIGAN FOR A PUMPING STATION.

AN ACT to grant to the city of Chicago certain lands under the waters of Lake Michigan in the city of Chicago, county of Cook and State of Illinois, for use as a pumping station for its system of intercepting sewers so as to prevent the contamination of the waters of said lake. [Approved and in force April 21, 1899. L. 1899, p. 361.]

1053. GRANTS CERTAIN LANDS FOR A PUMPING STATION.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following described land under the waters of Lake Michigan be and hereby is given, granted and conveyed to the city of Chicago, a municipal corporation created and subsisting under the laws of the State of Illinois, namely:

Beginning at a point in the center line of Thirty-ninth street produced northeasterly two hundred and fifty (250) feet distant (measured at right angles thereto) from the west side of the wall which is the west boundary of the right of way and station grounds of the Illinois Central Railroad company; thence northerly at an angle of 84 degrees and 30 minutes, with the center line of Thirty-ninth street produced northeasterly along the line of the breakwater one hundred and eighty-five (185) feet; thence northeasterly parallel with the center line of Thirty-ninth street produced one thousand (1,000) feet; thence southerly at right angles to the last mentioned line three hundred (300) feet; thence southwesterly parallel with the centre line of Thirty-ninth street produced northeasterly nine hundred and eighty-five (985) feet to the breakwater; thence northerly along the breakwater to the place of beginning, situated in the city of Chicago, county of Cook and State of Illinois, for the purpose of enabling the said city to build and forever maintain thereon a pumping station together with the necessary intakes for water with protecting piers therefor appurtenant to and in connection therewith, in pursuance of and in conformity, however, with the permission of the United States heretofore given to the department of public works of said city, to build such intakes with the protecting piers therefor in Lake Michigan, which was granted by R. A. Alger, Secretary of War, bearing date Oct. 13, 1898. [§ 641, ch. 24, R. S.]

1054. EMERGENCY.] § 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage. [§ 642, ch. 24, R. S.]

PEDDLER'S LICENSE TO EX-SOLDIERS AND SAILORS.

AN ACT permitting all ex-Union soldiers and sailors, honorably discharged from the military or marine service of the United States, the right to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law in any county, town, village, incorporated city or municipality in the State of Illinois. [Approved May 11, 1901. In force July 1, 1901. L. 1901, p. 236.]

1055. EX-UNION SOLDIER OR SAILOR MAY PEDdle GOODS, ETC., WITHOUT LICENSE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on and after the passage of this act all ex-Union soldiers and sailors, honorably discharged from the military or marine service of the United States, shall be permitted to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality within this State without a license: *Provided*, said soldier or sailor is engaged in the vending, hawking and peddling of said goods, wares, fruits or merchandise for himself only. [§ 651, ch. 24, R. S.]

1056. CLERK TO ISSUE LICENSE FREE UPON PRESENTATION, ETC.—PENALTY FOR VIOLATION OF ACT.] § 2. Upon the presentation of his certificate of discharge to the clerk of any county, town, village, incorporated city or municipality in this State, and showing proofs of his identity as the person named in his certificate of honorable discharge, the clerk shall issue to said ex-Union soldier or sailor a license, but such license shall be free, and said clerk shall not collect or demand for the county, town, village, incorporated city or municipality any fee therefor. Any clerk of any county, town, village incorporated city or municipality in this State who shall violate any of the foregoing provisions of this act, by failing or refusing to comply with such provisions, as herein directed, shall be fined in a sum not less than ten dollars (\$10) nor more than fifty dollars (\$50), to which may be added imprisonment in the county jail not exceeding ten (10) days. [§ 652, ch. 24, R. S.]

HOUSES OF CORRECTION.

AN ACT to establish houses of correction, and authorize the confinement of convicted persons therein. [Approved April 25, 1871. In force July 1, 1871. L. 1871-2, p. 491.]

1057. CITIES MAY ESTABLISH.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the municipal authorities, of any city within this State to establish a house of correction, which shall be used for the confinement and punishment of criminals, or persons sentenced or committed thereto under the provisions of this act, or any law of this State, or ordinance of any city or village, authorizing the confinement of convicted persons, in any such house of correction. [As amended by act approved May 31, 1879. In force July 1, 1879. L. 1879, p. 177; § 1, ch. 67, R. S.]

1058. INSPECTORS—APPOINTMENT—TERM OF OFFICE.] § 2. The management and direction of any house of correction already established or which may hereafter be established in any such city, shall be under the control and authority of a board of inspectors, to be appointed for that purpose as in this section directed. The mayor of said city shall, by virtue of his office, be a member of said board,

who, together with three persons to be appointed by the mayor, by and with the advice and consent of the legislative authority of said city, shall constitute the said board of inspectors. The term of office for the appointed members of said board shall be three years, but the members first appointed shall hold their office, respectively, as shall be determined by lot at the first meeting of said board, for one, two and three years from and after the first Monday in May, in the year of our Lord 1871, and thereafter one member shall be appointed each year for the full term of three years. [§ 2, ch. 67, R. S.]

1059. RULES—EMPLOYEES—APPROPRIATIONS.] § 3. That whenever a board of inspectors have been organized as in section 2 of this act directed, they shall have power and authority to establish and adopt rules for the regulation and discipline of the said house of correction, for which they have respectively been appointed, and upon the nomination of the superintendent thereof, to appoint the subordinate officers, guards and employés thereof; to fix their compensation and prescribe their duties generally; to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient. No appropriation of money shall be made by the said board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of said institution, except with the sanction of the legislative authority of said city. [§ 3, ch. 67, R. S.]

1060. COMPENSATION AND DUTIES OF INSPECTORS—RECORDS.] § 4. Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board, at the house of correction, once in every three months, when they shall fully examine into its management in every department, hear and determine all complaints or questions not within the province of the superintendent to determine, and make such further rules and regulations for the good government of said house of correction as to them shall seem proper and necessary. One of said appointed inspectors shall visit the said house of correction once, at least, in each month. All rules, regulations or other orders of said board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and, with the other books and records of said house of correction, shall be at all times subject to the examination of any member or committee of the legislative authority, the comptroller, treasurer, corporation counsel or attorney of any such city. [§ 4, ch. 67, R. S.]

1061. BOOKS—QUARTERLY STATEMENT—ACCOUNTS.] § 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants or in cultivating or improving the premises, the number employed in each branch of industry carried on, and the receipts from, and expenditures for, and on account of, each department of business, or for improvement of the premises. A quarterly statement shall be made out, which shall specify minutely, all receipts and expenditures, from whom received and to whom paid, and for what purpose; proper vouchers for each, to be audited and certified by the inspectors, and submitted to the comptroller of said city, and by him, to the legislative authority thereof, for examination

and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January of each year, and a full report of the operations of the preceding year, shall be made out and submitted to the legislative authority of said city, and to the Governor of the State, to be by him transmitted to the General Assembly. [As amended by act approved May 31, 1879. In force July 1, 1879. L. 1879, p. 177. § 5, ch. 67, R. S.]

1062. FURTHER REPORTS—REMOVAL OF OFFICERS, ETC.] § 6. The legislative authority of said city may require such further reports and exhibits of the condition and management of such institution as to them shall seem necessary and proper, and may, with the approval of the mayor, remove any inspector of said institution. But any subordinate officer or employé may be removed by the superintendent at his discretion, but immediately upon the removal of such officer or employé, he shall report to said board the name of the person removed, and the cause of such removal. [§ 6, ch. 67, R. S.]

1063. DUTIES OF SUPERINTENDENT—APPOINTMENT—TERM OF OFFICE—DEPUTY.] § 7. The superintendent of the said house of correction shall have entire control and management of all its concerns, subject to the authority established by law, and the rules and regulations adopted for its government. It shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be appointed by the mayor by and with the consent of said board of inspectors, and shall hold his office for four years and until his successor shall have been duly appointed and qualified, but he may be removed by the inspectors at any time, when in their judgment it shall be advisable. He shall be responsible for the manner in which said house of correction is managed and conducted. He shall reside at said house of correction, devote all his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof and of each prisoner therein confined, daily. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The deputy superintendent of said house of correction shall have and exercise the powers of the superintendent in his absence, so far as relates to the discipline thereof and the safe keeping of prisoners. [§ 7, ch. 67, R. S.]

1064. COUNTY MAY USE HOUSE OF CORRECTION.] § 8. The board of supervisors or commissioners of any county, and the board of trustees of any village or town, in any county in this State, in which a house of correction is established, shall have full power and authority to enter into an agreement with the legislative authority of such city, or with any authorized agent or officer in behalf of such city, to receive and keep in said house of correction any person or persons who may be sentenced or committed thereto, by any court or magistrate, in any of said counties, whenever such agreement shall have been made, it shall be the duty of the board of supervisors or commissioners for any county in behalf of which such agreement shall have been made, or of the trustees of the village or town, in behalf

of which, such agreement has been made, as the case may be, to give public notice thereof, in some newspaper printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force. [As amended by act approved May 31, 1879. In force July 1, 1879. L. 1879, p. 177; § 8, ch. 67, R. S.]

1065. COMMITMENT.] § 9. In counties, towns and villages having such agreement with any such city, it shall be the duty of every court, police justice, justice of the peace, or other magistrate in such county, town or village, by whom any person, for any crime or misdemeanor, punishable by imprisonment in the county jail, shall be convicted, to commit such person to the said house of correction, in lieu of committing him to the county jail, village or town calaboose, there to be received, and kept in the manner prescribed by law and the discipline of said house of correction. And it shall be the duty of such court, police justice, justice of the peace, or other magistrate, by a warrant of commitment, duly issued, to cause such person so sentenced, to be forthwith conveyed by some proper officer to said house of correction. [As approved May 31, 1879. In force July 1, 1879. L. 1879, p. 177; § 9, ch. 67, R. S.]

1066. CONVEYING CONVICT TO HOUSE OF CORRECTION—FEES.] § 10. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with any such city to whom any warrant of commitment for that purpose may be directed by any court, justice or magistrate aforesaid, in such county, to convey such person so sentenced to the said house of correction, and there deliver such person to the keeper or other proper officer of said house of correction, whose duty it shall be to receive such person so sentenced, and to safely keep and employ such person for the term mentioned in the warrant of commitment, according to the laws of said house of correction; and the officers thus conveying and so delivering the person or persons so sentenced shall be allowed such fees, as compensation therefor, as shall be prescribed or allowed by the board of supervisors or commissioners of the said county. [§ 10, ch. 67, R. S.]

1067. APPLICATION OF OTHER LAWS, ETC.] § 11. All provisions of law and ordinances authorizing the commitment and confinement of persons in jails, bridewells and other city prisons, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to such house of correction. [§ 11, ch. 67, R. S.]

1068. HOUSE OF SHELTER.] § 12. It shall be lawful for the inspectors of any such house of correction to establish in connection with the same a department thereof, to be called a house of shelter, for the more complete reformation and education of females. The inspectors shall adopt rules and regulations by which any female convict may be imprisoned in one or more separate apartments of the said house of correction, or of the department thereof called the house of shelter. The superintendent of said house of correction shall appoint, by and with the advice of the board of inspectors, a matron

and other teachers and employes for the said house of shelter, whose compensation shall be fixed and provided for as in this act provided for the officers and other employes of the said house of correction. [§ 12, ch. 67, R. S.]

1069. EXPENSES.] § 13. The expenses of maintaining any such house of correction over and above all receipts for the labor of persons confined therein, and such sums of money as may be received from time to time by virtue of an agreement with a county, as in this act contemplated, shall be audited and paid from time to time by the legislative authority of such city, and shall be raised, levied and collected as the ordinary expenses of the said city. [§ 13, ch. 67, R. S.]

1070. UNITED STATES CONVICTS.] § 14. It shall be lawful for the inspectors of any such house of correction to enter into an agreement with any officer of the United States authorized therefor, to receive and keep in such house of correction any person sentenced thereto, or ordered to be imprisoned therein, by any court of the United States or other federal officer, until discharged by law. [§ 14, ch. 67, R. S.]

1071. BRIDEWELL CHANGED TO HOUSE OF CORRECTION.] § 15. That in any such city having, prior to the passage of this act, established a bridewell for the confinement of convicted persons, such institution shall, immediately upon the appointment of the inspectors in this act contemplated, be known and denominated as the house of correction of the city in which it is located. [§ 15, ch. 67, R. S.]

1072. SALARY OF SUPERINTENDENT—RECORD OF CONDUCT—GOOD TIME.] § 16. The superintendent of any such house of correction shall receive a salary per annum, to be fixed by the legislative authority of such city, to be paid quarterly. It shall be his duty to keep a record of each and all infractions of the rules and discipline of said house of correction, with the names of each, the convict offending, and the date and character of each offense, and every convict sentenced or committed for six months or more, whose name does not appear upon such record, shall be entitled to a deduction of three days per month from his or her sentence, for each month he or she shall continue to obey all the rules of said house of correction. [§ 16, ch. 67, R. S.]

1073. OATH—BOND.] § 17. The inspectors of any such house of correction and the superintendent thereof, shall, before they enter on the duties of their respective offices, take and subscribe the usual oath of office. Said inspectors and superintendent shall severally give bond to such city with sureties, and in a penal sum such as may be required by the legislative authority thereof, for the faithful performance of their duties. [§ 17, ch. 67, R. S.]

HOUSES OF CORRECTION OUTSIDE OF CORPORATE LIMITS.

AN ACT to authorize cities to establish houses of correction outside of the corporate limits and authorize the confinement of convicted persons therein. [Approved June 11, 1897. In force July 1, 1897. L. 1897, p. 97.]

1074. MAY ESTABLISH HOUSES OF CORRECTION OUTSIDE OF CORPORATE LIMITS—POLICE POWERS OVER.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for the municipal authorities of any city within this State, to purchase, own and control not to exceed 40 acres of land within the incorporate limits of such city, or outside and within three miles of the corporate limits of any such city, for the purpose of establishing thereon a house of correction and other buildings or appurtenances thereto which shall be used for the confinement and punishment of criminals or persons sentenced or committed thereto under the provisions of this act, or any law of this State, or ordinance of any city or village authorizing the confinement of convicted persons in any such house of correction.

And when such land is purchased and house of correction established by any such city outside of the corporate limits thereof, such city and the municipal authorities thereof shall have full and complete police powers over such lands and territory surrounding the same as is now conferred by law upon incorporated cities, towns and villages within this State, over territory lying within the corporate limits thereof. [§ 506, ch. 24, R. S.]

LIBRARIES.

AN ACT to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms. [Approved and in force March 7, 1872. L. 1871-2, p. 600.]

1075. CITY MAY ESTABLISH—TAX—FUND, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city council of each incorporated city, whether organized under general law or special charter, shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed 2 mills on the dollar annually on all the taxable property in the city: *Provided*, that in cities of over 100,000 inhabitants, after the year 1896, such tax shall not exceed one mill on the dollar annually, such tax to be levied and collected in like manner with the general taxes of said city, and to be known as a library fund: *Provided*, That said annual library tax in cities of over 2,000 inhabitants shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any city in this State is now organized. [As amended by act approved May 10, 1901. In force July 1, 1901. L. 1901, p. 235; § 1 ch. 81, R. S.]

1076. DIRECTORS.] § 2. When any city council shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the

same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the city council shall be at any one time a member of said board. [§ 2, ch. 81, R. S.]

1077. TERM OF OFFICE—REMOVAL.] § 3. Said directors shall hold office, one-third for one year, one-third for two years, and one-third for three years from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July of each year, appoint as before three directors to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty. [§ 3, ch. 81, R. S.]

1078. VACANCIES — COMPENSATION.] § 4. Vacancies in the board of directors, occasioned by removals, resignation or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such. [§ 4, ch. 81, R. S.]

1079. ORGANIZATION — POWERS OF DIRECTORS—FUNDS.] § 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings, constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such library shall be deposited in the treasury of said city, to the credit of the library fund and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading room. [§ 5, ch. 81, R. S.]

1080. WHO MAY USE LIBRARY.] § 6. Every library and reading room, established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading room any and all persons who shall wilfully violate such rules. And said board may extend the privileges and use of such library and reading room to persons residing outside of such city in this State, upon such terms and condi-

tions as said board may from time to time by its regulations prescribe. [As amended by act approved March 27, 1874, in force July 1, 1874; § 6, ch. 81, R. S.]

1081. REPORT OF DIRECTORS.] § 7. The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit. [§ 7, ch. 81, R. S.]

1082. PENALTIES. § 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library. [§ 8, ch. 81, R. S.]

1083. DONATIONS.] § 9. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees. [§ 9, ch. 81, R. S.]

1084. POWERS OF VILLAGES, TOWNS AND TOWNSHIPS.] § 10. When 50 legal voters of any incorporated town, village or township shall present a petition to the clerk of the town, village or township (or trustee of schools in counties not under township organization) asking that an annual tax may be levied for the establishment and maintenance of a free public library in such town or township, and shall specify, in their petition, a rate of taxation not to exceed 2 mills on the dollar, such clerk (or trustees of schools in counties not under township organization) shall, in the next legal notice of the regular annual election in such town or township, give notice that at such election every elector may vote "For a . . . mill tax for a free public library," or "Against a . . . mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition; and if a majority of all the votes cast in such town, village or township shall be "For the tax for the free public library," the tax specified in such notice shall be levied and collected in like manner with other general taxes of said town or township, and shall be known as the "Library Fund:" *Provided*, that such tax shall cease in case the legal voters of any such town, village or township shall so determine by a majority vote, at any annual election held therein; and the cor-

porate authorities of such towns or villages may exercise the same powers conferred upon the corporate authorities of cities under this act. [§ 10, ch. 81, R. S.]

1085. DIRECTORS IN VILLAGES, ETC.] § 11. At the next regular election after any town, village or township shall have voted to establish a free public library, there shall be elected a library board of six directors, one-third for one year, one-third for two years, one-third for three years, and annually thereafter there shall be elected two directors, who shall hold their office for three years and until their successors are elected and qualified; which board shall have the same powers as are by this act conferred upon the board of directors of free public libraries in cities. [§ 11, ch. 81, R. S.]

1086. EMERGENCY.] § 12. Whereas, all the libraries of Chicago were destroyed by the recent fire in that city, and large donations of books have been made to found a free library, and whereas, no suitable building or organization exists to receive or preserve them, therefore an emergency exists that this law shall take effect immediately; therefore this act shall take effect and be in force from and after its passage. [§ 12, ch. 81, R. S.]

1087. ERECTION OF BUILDINGS—PLANS--COSTS.] § 13. Whenever any board of directors of any public library, organized under the provisions of the act to which this is an amendment, shall determine to erect a building to be used for their library, or to purchase a site for the same, or both, or to accumulate a fund for the erection of such building, or to pay for a library site, or both, they may do so as follows:

The directors shall cause a plan for such building to be prepared and an estimate to be made of its cost, or if for the purchase of a site, an estimate of its cost; they may then determine the time or years over which they will spread the collection of the cost of said building or site, or both, not exceeding twenty (20) years, and shall make a record of their said proceedings and transmit a copy thereof to the city council for its approval.

If the council shall approve the action of the board, the board shall divide the total cost of said building or site, or both, into as many parts as they shall determine to spread the cost of the collection thereof, and shall certify the amount of one of said parts to the city council each and every year during the time or term over which they shall have determined to spread the collection of the cost of said building, or site, or both.

The city council on receiving the said last mentioned certificate shall in its next annual appropriation bill include the amount so certified, and shall levy and collect a tax to pay the same, with the other general taxes of the city: *Provided*, the said levy shall not exceed five (5) mills on the dollar in any one year and shall not be levied oftener than for the number of years into which the library board shall have divided the costs of said building or site, or both; and and when said sum herein mentioned shall have been collected the said tax shall cease. [As amended by act approved and in force March 30, 1901. L. 1901, p. 235; § 13, ch. 81, R. S.]

1088. DUTY OF BOARD—ERECTION OF BUILDING—INVESTMENT OF FUNDS.] § 14. The library board shall determine when they will proceed with the construction of the building; they may proceed at once or may determine to wait and allow the fund to accumulate, but shall not delay construction of said building longer than for the collection of said fund. If they shall determine to wait, they shall certify their action to the city council and said city council shall invest said money in good interest paying securities, there to remain until the same is needed for the construction of the building under the provisions of this act. [Added by act approved June 19, 1891, in force July 1, 1891. L. 1891, p. 155; § 14, ch. 81, R. S.]

1089. HOW CONTRACT TO BE LET.] § 15. When the directors shall determine to commence the construction of the building they may then revise the plan therefor or adopt a new plan and provide estimates of the costs thereof, and shall advertise for bids for the construction of said building and shall let the contract to the lowest and best responsible bidder, and may require from such bidder securities for the performance of his bid as the board shall determine: *Provided*, the said directors may let the contract for one part of said building to one bidder, and for another part to another bidder as they shall determine: *And provided, further*, the board of directors shall not in any new plan increase the per cent of the tax levy hereunder without the approval of the city council. [Added by act approved June 19, 1891, in force July 1, 1891. L. 1891, p. 155; § 15, ch. 81, R. S.]

1090. MAY RENT PORTION—BORROW MONEY—TAX—LEVY.] § 16. If the board of directors shall think best, they may construct the building so that a portion thereof may be rented, and may at any time during the construction thereof borrow money and execute a mortgage on the lot and building, not exceeding one-half the value thereof, and the money so obtained shall be used exclusively in the completion of said building. The levy of a tax hereunder shall not be included in the aggregate amount of taxes as limited by section one (1) of Article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872, and amendatory acts thereto, nor shall it affect any appropriation made or to be made for the support of the library. This act shall not apply to any city in this State having over 100,000 inhabitants. [As amended by act approved May 10, 1901, in force July 1, 1901. L. 1901, p. 234; § 16, ch. 81, R. S.]

AN ACT to enable library associations to sell and transfer their real and personal property
[Approved March 24, 1874; in force July 1, 1874.]

1091. LIBRARY ASSOCIATIONS MAY SELL, ETC., TO PUBLIC LIBRARIES—MEETING—NOTICE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any library association organized under any law of this State, and owning any real or personal property in this State, shall desire to sell or lease the same, or any part thereof, absolutely or with conditions, to the board of directors of any free public library, organized under the laws of this State, such sale or lease may be made in the manner

following, viz.: The directors of such association shall call a meeting of all the members, subscribers or stockholders thereof, to be held at the rooms of said library or office of the secretary of such association, written or printed notice of the time, place and object of such meeting, and of the terms and conditions of the proposed sale or lease being first mailed, at least thirty (30) days prior to the time of such meeting, to the address of each member, subscriber or stockholder whose place of residence is known to any of the officers or directors of such association, and by publishing such notice for at least thirty (30) consecutive days next preceeding the time of such meeting, in some newspaper published and of general circulation in the county where the property of said association is situate. [§ 17, ch. 81, R. S.

1092. VOTE—MANNER OF MAKING CONVEYANCE, ETC.] § 2. If the members, subscribers or stockholders representing the majority in amount of the stock of such association, shall vote at such meeting in favor of such sale or lease upon the terms or conditions specified in such notice, or, in case said association shall consist of two or more departments, if a majority of the members, subscribers or stockholders of each department shall vote at such meeting in favor of such sale or lease so specified, then the president and secretary shall cause a record of the proceedings of such meeting, verified by the oath of the president thereof, together with an affidavit of the service or publication of notice as herein required, to be filed in the office of the clerk of the circuit court of the county where the property of such association is situate; after which the president and secretary of the said association shall be and are hereby authorized and empowered to execute any and all necessary deeds, leases, bills of sale, or other instruments in writing, to carry out the object and intent of said vote, which, when duly executed, shall be sufficient to pass to the board of directors of such free public library all the legal and equitable title of said associations in and to the real or personal property in said instrument described as therein set forth. [§ 18, ch. 81, R. S.

CHICAGO PUBLIC LIBRARY.

AN ACT to authorize the Chicago public library to erect and maintain a public library on Dearborn park in the city of Chicago, and to authorize the Soldiers' Home in Chicago to sell and dispose of its interest in the north one-quarter of the said park. [Approved June 2, 1891; in force July 1, 1891; L. 1891, p. 166.]

Whereas, in the original subdivision of a tract of land in the west part of the southwest fractional quarter of section 10, township 39 north, range 14, east of the third principal meridian, as subdivided and platted under the authority of the Secretary of War in the year 1839, a square or tract of land in said subdivision, a part of which is known as Dearborn park, was set aside for park purposes, and was so dedicated by the general government;

And, whereas, the circumstances under which said dedication was made, no longer exist, so that said park can not be used or utilized for the purposes for which said dedication was made, the growth and development of business having now rendered it worthless for such purposes; therefore,

1093. MAY ERECT PUBLIC LIBRARY ON DEARBORN PARK—MEMORIAL HALL.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Chicago public library be and is hereby authorized to take possession of the piece of ground now known as Dearborn park, in that part of the city of Chicago, State of Illinois, known as the Fort Dearborn addition to Chicago, and bounded on the north by the south line of Randolph street, on the east by the west line of Michigan avenue, on the south by the north line of Washington street, on the west by the east line of an alley known as Dearborn place, and to erect and maintain thereon a public library building under and in pursuance of the power and authority conferred upon the said Chicago public library by an act entitled, "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, and the various amendments thereto: *Provided*, that no building shall be erected upon the north one-quarter ($\frac{1}{4}$) of said ground by the Chicago public library until it has obtained, by purchase or otherwise, whatever interest the Soldiers' Home in Chicago acquired in the same, under and by virtue of an act entitled, "An act to authorize the Soldiers' Home in Chicago to erect and maintain a soldiers' memorial hall on the north one-quarter ($\frac{1}{4}$) of Dearborn park, in the city of Chicago," approved June 4, 1889: *And, provided, further*, that in case the Chicago public library shall obtain, by purchase or otherwise, whatever interest the Soldiers' Home in Chicago may have in said north one-quarter ($\frac{1}{4}$) of Dearborn park, then and in such case the Chicago public library, in erecting such library building, shall construct in such part of it as it may elect or determine a hall to be known and forever maintained as a memorial hall to commemorate the patriotism and sacrifices of the Union soldiers and sailors of the late civil war, which hall, when completed, may be leased by the Chicago public library at a nominal rental for the period of 50 years to the Grand Army Hall and Memorial association of Illinois, to be used by it and such other organizations of Union soldiers and sailors of the late civil war having their headquarters in Cook county, as it may direct, for the purposes of their organization. [§ 19, ch. 81, R. S.]

1094. SOLDIERS' HOME IN CHICAGO MAY SELL, ETC. § 2. The Soldiers' Home in Chicago is hereby authorized to sell, assign, transfer and convey to the Chicago public library, upon such terms and conditions as may be agreed upon, all the right, title and interest which said Soldiers' Home in Chicago now holds in or to the north one-quarter ($\frac{1}{4}$) of said Dearborn park; and when such assignment or conveyance is made the said Chicago public library shall become seized and possessed of all the rights and interest in and to said north one-quarter ($\frac{1}{4}$) of Dearborn park that are now held by the Soldiers' Home in Chicago, or by the State of Illinois, and may take possession of and use the same for library purposes as provided in section 1 of this act. [§ 20, ch. 81, R. S.]

INCORPORATION OF FREE PUBLIC LIBRARIES.

AN ACT to encourage and promote the establishment of free public libraries in cities, villages and towns of this State. [Approved June 17, 1891. In force July 1, 1891. L. 1891, p. 154.]

1095. TRUSTEES MAY FORM CORPORATION TO ESTABLISH.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever property, real or personal, has heretofore been or shall hereafter be devised or bequeathed by last will and testament, or granted, conveyed or donated by deed or other instrument, to trustees, to be applied by them to the foundation and establishment in any of the cities, villages and towns of this State of a free public library, it shall be lawful, when not otherwise provided in said will or other instrument of gift, for the acting trustees in any such case, in order to promote the better establishment, maintenance and management of such library, to cause to be formed a corporation, under the provisions of this act, with the rights, powers and privileges hereinafter provided for. [§ 21, ch. 81, R. S.]

1096. CORPORATION—HOW FORMED.] § 2. Such acting trustees may make, sign and acknowledge before any officer authorized to take acknowledgments of deeds in this State, and file in the office of the Secretary of State a statement in writing, in which shall be set forth the intent of such trustees to form a corporation under this act; a copy of the will or other instrument by which endowment of said library has been provided; the name adopted for the proposed corporation (which shall not be the name of any other corporation already existing); the city, village or town in which the library and the principal place of business of the corporation will be located; the number of managers who may be denominated trustees, managers or directors of the corporation; and the names of the trustees, managers or directors who are to constitute the original board of such officers, and who shall hold until their successors respectively are elected and qualified, as in this act provided. [§ 22, ch. 81, R. S.]

1097. PERFECTING ORGANIZATION—CORPORATE PURPOSES.] § 3. Upon the filing in his office of such a statement as aforesaid, the Secretary of State shall issue to the incorporators, under his hand and seal of State, a certificate, of which the aforesaid statement shall be a part, declaring that the organization of the corporation is perfected. The incorporators shall thereupon cause such certificate to be recorded in a proper record book for the purpose in the office of the recorder of deeds in the county in which the said library is to be located; and thereupon the corporation shall be deemed fully organized and may proceed to carry out its corporate purposes, and may receive by conveyance, from the trustees under said will, deed or other instrument of donation, the property provided by will or otherwise as aforesaid, for the endowment of said library, and may hold the same in whatever form it may have been received or conveyed by said trustees until such form shall be changed by the action of the said corporation. [§ 23, ch. 81, R. S.]

1098. POWERS OF CORPORATION—WHO MEMBERS—PROPERTY—TAXATION.] § 4. Organizations formed under this act shall be bodies corporate and politic to be known under the names stated in the respective certificates or articles of incorporation; and by such corporate names they shall have and possess the ordinary rights and incidents of corporations, and shall be capable of taking, holding and disposing of real and personal estate for all purposes of their organization. The provisions of any will, deed or other instrument by which endowment is given to said library and accepted by said trustees, managers or directors shall, as to such endowment, be a part of the organic and fundamental law of such corporation.

The trustees, managers or directors of any such corporation shall compose its members, and shall not be less than seven nor more than 15 in number; shall elect the officers of the corporation from their number; and shall have control and management of its affairs and property; may accept donations, and in their discretion hold the same in the form in which they are given, for all purposes of science, literature and art germane to the object and purpose of said corporation. They may fill by election, subject to the approval of the chief justice, for the time being, of the supreme court of Illinois, vacancies occurring in their own number by death, incapacity, retirement or otherwise, and may make lawful by-laws for the management of the corporation and of the library, which by-laws shall set forth what officers there shall be of the corporation, and shall define and prescribe their respective duties. They may appoint and employ from time to time such agents and employes as they may deem necessary for the efficient administration and conduct of the library and other affairs of the corporation. Whenever any trustee, manager or director shall be elected to fill any vacancy, a certificate under the seal of the corporation, giving the name of the person elected, shall be recorded in the office of the recorder of deeds where the articles of incorporation are recorded.

Whenever, by the provisions of such will, deed or other instrument by which endowment is created, the institution endowed is declared to be and is free and public, the library and other property of such corporation shall be forever exempt from taxation.

The trustees, managers or directors of such corporation shall, in the month of January in each year, cause to be made a report to the Governor of the State for the year ending on the 31st day of December, preceding, of the condition of the library and of the funds and other property of the corporation showing the assets and investments of such corporation in detail. [§ 24, ch. 81, R. S.]

PUBLIC BUILDINGS.

AN ACT to regulate the means of egress from public buildings. [Approved March 23, 1874.
In force July 1, 1874.]

1099. DOORS TO OPEN OUTWARD.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all public buildings now in process of construction or hereafter to be built or constructed, which may or shall be used for churches,

school houses, operas, theatres, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that said doors shall open outward; and that all means of egress for the public from the main hall or principal room, and from the building, shall be by means of doors which shall open outwards from the main hall or building. [§ 1, ch. 111, R. S.]

1100. PENALTY.] § 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than \$100 nor more than \$1,000. [§ 2, ch. 111, R. S.]

1101. WHEN PUBLIC BUILDINGS MAY BE CLOSED.] § 3. That in all cities and towns having a population of 2,000 inhabitants, and upwards, the mayor, or other corporate authorities of said town or city, shall be empowered and he is hereby authorized to close and prohibit all public buildings, hereafter erected, from being used in violation of this act. [§ 3, ch. 111, R. S.]

LEASING LANDINGS AND LEVEES.

AN ACT to authorize incorporated cities, towns or villages in this State, situated upon the banks of navigable rivers, to lease parts of their public landings or levees. [Approved March 31, 1874. In force July 1, 1874.]

1102. WHEN LANDINGS AND LEVEES MAY BE LEASED.] § 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever, in the opinion of the legislative authority of any incorporated city, or of the president and board of trustees of any incorporated town or village of this State, situate upon the banks of any navigable river, the lands acquired and owned by any such city, town or village for the purpose of a public landing or public levee are not immediately required for such purpose, then any such city, town or village may lease such parts of such landing or levee as may be thought best by the legislative authority of such city, or president and board of trustees of such town or village, for the purpose of erecting manufactories, warehouses or grain elevators thereon: *Provided*, no such lease shall extend beyond the period of 25 years from its execution. [§ 247, ch. 24, R. S.]

1103. WHAT LANDS—WHEN LEASE MAY TAKE EFFECT—DEFINITION—RESTRICTION.] § 2. That the right of any such city, town or village to lease any part of the land in the foregoing section, shall embrace all such lands as may have been conveyed to the same: *Provided, however*, no such lease shall take effect or be in force until approved by an order, resolution or ordinance of the legislative authority of such city, or president and board of trustees of such town or village. The words "legislative authority," when used in this act, shall be held to include the common council. The provisions of this act shall not apply to cities having over 100,000 inhabitants. [§ 248, ch. 24, R. S.]

HOUSES OF ILL FAME.

AN ACT to prevent the licensing of houses of ill fame and the official inspection or medical examination of the inmates thereof, in the incorporated cities, towns and villages of this State. [Approved and in force March 27. 1874.]

1104. LICENSING AND MEDICAL INSPECTION FORBIDDEN.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for the corporate authorities of any city, town or village in this State to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any board of health (or any member or employé of the same) now existing, or which may hereafter exist under the laws of this State, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same. [§ 245 ch. 24, R. S.]

1105. EMERGENCY.] § 2. Whereas, the legislative authorities of certain cities in this State are about to license houses of ill-fame, therefore an emergency exists why this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage. [246 ch. 24, R. S.]

NUISANCES.

1106. ENUMERATION.] § 221. It is a public nuisance:

1. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

2. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any water course, lake, pond, spring, well or common sewer, street or public highway.

3. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.

4. To obstruct or impede, without legal authority, the passage of any navigable river or waters.

5. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

6. To carry on the business of manufacturing gunpowder, nitro-glycerine, or other highly explosive substances, or mixing or grinding the materials therefor, in any building within 20 rods of any valuable building erected at the time such business may be commenced.

7. To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within 50 rods of any occupied dwelling house.

8. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

9. To advertise wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities: *Provided*, that nothing in this section contained shall be construed to prevent the municipal authorities of any incorporated city, town or village from declaring what shall be nuisances, and abating the same within their limits. [L. 1861, p. 270, § 1; § 221, ch. 38, R. S.

1107. PUNISHMENT.] § 222. Whoever causes, erects or continues any such nuisance shall, for the first offense, be fined not exceeding \$100, and for a subsequent offense shall be fined in a like amount, and confined in the county jail not exceeding three months. Every such nuisance, when a conviction therefor is had in a court of record, may, by order of the court before which the conviction is had, be abated by the sheriff or other proper officer, at the expense of the defendant, and it shall be no defense to any proceeding under this section, that the nuisance is erected or continued by virtue or permission of any law of this State. [L. 1861, p. 270, § 1; § 222, ch. 38, R. S.

VAGABONDS.

1108. VAGABONDS—WHAT WILL CONSTITUTE.] § 270. All persons who are idle and dissolute, and who go about begging; all persons who use any juggling or other unlawful games or plays; run-aways; pilferers; confidence men; common drunkards; common night-walkers; lewd, wanton and lascivious persons, in speech or behavior; common railers and brawlers; persons who are habitually neglectful of their employment or their calling, and do not lawfully provide for themselves, or for the support of their families; and all persons who are idle or dissolute and who neglect all lawful business, and who habitually mis-spend their time by frequenting houses of ill-fame, gaming houses or tippling shops; all persons lodging in or found in the night time in out-houses, sheds, barns or unoccupied buildings or lodging in the open air, and not giving a good account of themselves; and all persons who are known to be thieves, burglars or pickpockets, either by their own confession or otherwise, or by having been convicted of larceny, burglary or other crime against the laws of the State, punishable by imprisonment in the State prison, or in a house of correction of any city, and having no lawful means of support, are habitually found prowling around any steam-boat landing, railroad depot, banking institution, broker's office, place of public amusement, auction room, store, shop or crowded thoroughfare, car or omnibus, or at any public gathering or assembly, or lounging about any court room, private dwelling houses or out-houses, or are found in any house of ill-fame, gambling house or tippling shop, shall be deemed to be and they are declared to be vagabonds. [As amended by act approved April 27, 1877. In force July 1, 1877; L. 1877, p. 87; § 270, ch. 38, R. S.

1109. HOW PUNISHED.] § 271. It shall be the duty of the sheriff, constable, city marshal and police officers of any county, town, village, city or other municipality in this State, to arrest upon view, or acting at the request of any person: *Provided*, such person shall have first made a written complaint and obtained a warrant from an officer authorized to issue one for the arrest of any such vagabond, to arrest and bring before the nearest justice of the peace or police justice, any such vagabond wherever he may be found, for the purpose of an examination; and the said sheriff, constable, city marshal, police officer or other officer, shall then and there make complaint against such vagabond; and the said justice of the peace or police justice shall, within 36 hours thereafter, proceed to try the person accused of being a vagabond; and if he pleads guilty, or if he be found guilty, the said justice of the peace, or police justice, may sentence the said vagabond to imprisonment at hard labor upon the streets or highways or in the jail, calaboose or other building used for penal purposes of the county, town, village, city or other municipality in which such vagabond was convicted, or to the house of correction of any city having a contract with such county for the care of prisoners, for a term of not less than ten days and not exceeding six months in the discretion of the said justice of the peace or police justice; or the said justice of the peace or police justice may sentence the said vagabond to pay a fine of not less than \$20, nor more than \$100, and costs of suit; and in default of the immediate payment of said fine and costs so imposed, said vagabond shall thereupon be sentenced to imprisonment at hard labor in said jail, calaboose or other building used for penal purposes, or in said house of correction or on the streets or public highways, for a term of not less than five days, nor more than six months, by the said justice of the peace or police justice. In all complaints under this act the complainant shall set forth the name of the offending person if he can obtain the same; the place and date of the offense, and shall also set forth such other facts as will, if substantiated by competent witnesses, establish the guilt of the prisoner. The justice may cause to be subpoenaed such witnesses as the defendant may request, and may be found within the jurisdiction of such officer issuing such writ of arrest, and the complaint shall be signed and sworn to by the complainant. In all cases under this act the justice shall make a full record of the case giving the date of the complaint, and of the offense, name of the defendant, if known, and character of the charge; the names of all witnesses examined and his findings, together with all other proceedings had in the case; and when he shall commit any vagabond to the jail, calaboose or other building used for penal purposes, as hereinbefore stated, or to the house of correction of any city, he shall make out a mittimus and sign the same, directing the same in the name of the People of the State of Illinois, to the sheriff of the county, or to the superintendent of the house of correction of the city or to any officer having charge of any such jail, calaboose or building used for penal purposes as aforesaid, as the case may be, which said mittimus must show the date of the charge, name of the

complainant, name of the defendant if known, the offense charged, names of all witnesses examined, date and place of trial, the finding of the court, and the sentence imposed; and it shall command the said sheriff or the said superintendent of the house of correction or any other such officer as aforesaid as the case may be, to receive and to keep the body of the said defendant, as said mittimus may provide until the expiration of the time specified in the sentence, or until he be discharged by due process of law, which said mittimus shall be sufficient warrant to the said sheriff or to the said superintendent of the house of correction, or other officer as the case may be, to hold the body of the said defendant, as by the terms of sentence as in such mittimus commanded: *Provided*, that nothing herein shall be construed to prohibit the officer in charge of any such jail, calaboose, house of correction or other building used for penal purposes, from compelling such prisoner to work at reasonable labor for the benefit of any such county, town, village, city or other municipality wherein said prisoner may have been convicted. [As amended by act approved April 27, 1877. In force July 1, 1887. L. 1877, p. 87: § 270, ch. 38, R. S.]

CITIES, TOWNS AND VILLAGES EXCLUDED FROM ROAD DISTRICTS.

AN ACT to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges in counties not under township organization, and to repeal an act and parts of acts therein named. [Approved May 4, 1887, in force July 1, 1887. L. 1887, p. 206.]

1110. CITIES, VILLAGES AND TOWNS EXCLUDED FROM ROAD DISTRICT—PROVISO.] § 117. That hereafter all incorporated cities, towns and villages shall be excluded from all road districts now formed or to be formed in counties not under township organization in this State: *Provided*, however, that such incorporated cities, towns and villages, in counties not under township organization, may by ordinance elect to be included in such districts. Upon the filing with the county clerk of such county a copy of such ordinance, it shall be the duty of the county board of commissioners, at their first session thereafter, to create such city, town or village into a road district, or to make it a part of some road district already formed. [Added by act approved and in force April 24, 1899. L. 1899, p. 337; § 243, ch. 121, R. S.]

SIDEWALKS IN UNINCORPORATED TOWNS.

AN ACT authorizing the highway commissioners of a township to construct sidewalks in unincorporated villages. [Approved June 21, 1895, in force July 1, 1895. L. 1895, p. 100.]

1111. SIDEWALKS IN UNINCORPORATED VILLAGES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That highway commissioners are authorized to build sidewalks in unincorporated villages out of any delinquent road tax belonging to the road district in which such village is located. [§ 273, ch. 121, R. S.]

TOLL ROADS WITHIN MUNICIPALITIES.

AN ACT to revise the law in relation to toll roads. [Approved March 25, 1874, in force July 1, 1874.]

1112. LOCATION—WHEN CONSENT REQUIRED.] § 4. No such road shall be located on any public road or highway outside the corporate limits of a city, town or village without the consent of the county board of the county, and consent of the commissioners of highways of the town in which such highway is situated, nor upon any street, alley or other highway or public ground within any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village. The consent herein required must be in writing, and shall be recorded in the recorder's office of the county. [L. 1859, p. 156; § 4, ch. 138, R. S.]

VACATION OF STREETS, ALLEYS AND HIGHWAYS.

AN ACT to revise the law in relation to the vacation of streets and alleys. [Approved March 24, 1874, in force July 1, 1874.]

1113. THREE-FOURTHS VOTE REQUIRED—DAMAGES.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no city council of any city, or board of trustees of any village or town, whether incorporated by special act or under any general law, shall have power to vacate or close any street or alley, or any portion of the same, except upon a three-fourths majority of all the aldermen of the city or trustees of the village or town authorized by law to be elected; such vote to be taken by ayes and noes, and entered on the records of the council or board. And when property is damaged by the vacation or closing of any street or alley, the same shall be ascertained and paid as provided by law. [§ 1, ch. 145, R. S.]

1114. RIGHTS OF ADJOINING OWNERS.] § 2. When any street, alley, lane, highway, or any part thereof, has been or shall be vacated under or by virtue of any act of this State or by order of the city council of any city or trustees of any village or town, or by the commissioners of highways, county board, or other authority authorized to vacate the same, the lot or tract of land immediately adjoining on either side shall extend to the central line of such street, alley, lane or highway or part thereof so vacated, unless otherwise specially provided in the act, ordinance or order vacating the same, unless, in consequence of more of the land for such street, alley, lane or highway having been contributed from the land on one side thereof than the other, such division is inequitable, in which case the street, alley, lane or highway so vacated shall be divided according to the equities of the adjoining owners. [§ 2, ch. 145, R. S.]

POLES AND WIRES WITHIN MUNICIPAL LIMITS.

AN ACT to permit the use of public highways, streets and alleys and private roads leading to such highways, streets and alleys outside of incorporated cities, villages and towns, for the purpose of constructing, operating and maintaining private lines of telegraph or telephone, and to prescribe penalties for the injury or obstruction of such lines. [Approved June 18, 1883, in force July 1, 1883. L. 1883, p. 173.]

1115. PERSONS LIVING ON STREETS, ETC., MAY CONSTRUCT TELEGRAPH AND TELEPHONE LINES, ETC.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General As-*

sembly: That it shall be lawful for any person or persons living on the line of any public highway, street or alley outside of any incorporated city, village or town in this State, or on any private road leading to such highway, street or alley, to construct, operate and maintain a line or lines of telegraph or telephone, extending from house to house, as the parties interested in the construction of such lines may desire. [§ 11, ch. 134, R. S.]

1116. POLES IN STREETS.] § 2. For the purpose of constructing and maintaining such lines of telegraph or telephone, the parties in interest may set the necessary poles or posts on which to place the wires and insulators of such lines, in any of the public streets, highways or alleys or in any private road leading to such highways, streets, or alleys outside of the incorporated cities, villages or towns in this State along which such lines may pass: *Provided*, such poles or posts shall be placed along the boundaries of such highways, streets, or alleys, at such distances therefrom as the authorities having control thereof may direct. *And provided further*, that the wires necessary for such lines shall not be less than 15 feet above the ground along such boundaries, and not less than 20 feet at any public or private crossing, and shall be so placed as not in any manner to interfere with such crossing. [§ 12, ch. 134, R. S.]

1117. PENALTY FOR INJURING.] § 3. Any person who shall unlawfully and intentionally injure, molest, or destroy any of said lines or the material or property belonging thereto, or shall in any manner interfere with the proper working of such lines, shall on conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine not exceeding \$100; said fine to be recoverable in any court having jurisdiction of the same: *Provided*, that prosecution under the foregoing provision of this section shall not in any manner prevent a recovery by the person or persons entitled thereto, of the amount of damages done to such lines. [§ 13, ch. 134, R. S.]

AN ACT to revise the law in relation to telegraph companies. [Approved March 24, 1874. In force July 1, 1874.]

1118. CONSENT NECESSARY TO ERECT POLES, ETC., ON ROADS, STREETS, ETC.—RECORD—ALTERATION.] § 4. No such company shall have the right to erect any poles, posts, piers, abutments, wires or other fixtures of their lines along or upon any road, highway, or public ground, outside the corporate limits of a city, town or village, without the consent of the county board of the county in which such road, highway, or public ground is situated, nor upon any street, alley, or other highway or public ground, within any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village. The consent herein required must be in writing, and shall be recorded in the recorder's office of the county. And such county board, or the city council, or board of trustees of such city, town or village, as the case may be, shall have power to direct any alteration in the location or erection of any such poles, posts, piers or abutments, and also in the height of the wires, having first given the company or its agent opportunity to be heard in regard to such alteration. [§ 4, ch. 134, R. S.]

USE OF STREETS, ETC., BY ELEVATED RAILROADS.

AN ACT in regard to the use of streets and alleys in incorporated cities and villages by elevated railroads and elevated ways and conveyors. [Approved June 18, 1883. In force July 1, 1883. L. 1883, p. 125.]

1119. PETITION OF LAND OWNERS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no person or persons, corporation or corporations, shall construct or maintain any elevated railroad or any elevated way or conveyor to be operated by steam power, or animal power or any other motive power, along any street or alley in any incorporated city or village, except by the permission of the city council or board of trustees of such city or village, granted upon a petition of the owners of the lands representing more than one-half of the frontage of the street or alley, or of so much thereof as is sought to be used for such elevated railroad or elevated way or conveyor; and the city council, or board of trustees, shall have no power to grant permission to use any street or alley, or part thereof, for any of the purposes aforesaid, except upon such petition of land owners as is herein provided for. [§ 73, ch. 32, R. S.]

1120. WHEN STREET MORE THAN ONE MILE.] § 2. When the street or alley, or part thereof, sought to be used for any of the purposes aforesaid, shall be more than one mile in extent, no petition of land owners shall be valid for the purposes of this act, unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and fractional part of a mile, of such street or alley or of the part thereof sought to be used for any of the purposes aforesaid. [§ 74, ch. 32, R. S.]

1121. REPEAL.] § 3. All acts and parts of acts inconsistent herewith are hereby repealed. [§ 75, ch. 32, R. S.]

STREET RAILROADS.

AN ACT entitled "An act in regard to street railroads," and to repeal certain acts herein referred to. [Approved and in force March 7, 1899. L. 1899, p. 331.]

1122. EMINENT DOMAIN.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any company which has been or shall be incorporated under the general laws of this State, for the purpose of constructing, maintaining or operating any horse, dummy or street railroad or tramway, may enter upon and appropriate any property necessary for the construction, maintenance and operation of its road, and all necessary siding, side-tracks and appurtenances and may, subject to the provisions contained in this act, locate and construct its road upon and over any street, alley, road or highway, or across or over any waters in this State, in such manner as not to unnecessarily obstruct the public use of such street, alley, road or highway, or interrupt the navigation of such waters: *Provided*, every such street railway may be operated by animal, cable, electric or any other motive power that may have been or shall hereafter be granted to it by the proper public officers or authorities, except steam locomotive engines. [§ 1, ch. 131a, R. S.]

1123. COMPENSATION FOR PROPERTY TAKEN OR DAMAGED.] When it is necessary for the construction, maintenance or operation of such

road, or the necessary sidings, side tracks or appurtenances, to take or damage private property, the same may be done, and the compensation therefor may be ascertained and made in the manner which may be then provided by law for the exercise of the right of eminent domain. [§ 2, ch. 131a, R. S.]

1124. LOCATION OF ROAD—CONSENT—NOTICE—DAMAGES.] § 3. No such company shall have the right to locate or construct its road upon or along any street or alley, or over any public ground in any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village nor upon or along any road or highway, or upon any public ground without any incorporated city, town or village, except upon the consent of the county board. Such consent may be granted for any period, not longer than 20 years, on the petition of the company, upon such terms and conditions, not inconsistent with the provisions of this act, as such corporate authorities or county board, as the case may be, shall deem for the best interests of the public: *Provided*, no such consent shall be granted unless at least ten days' public notice of the time and place of presenting such petition shall have first been given by publication in some newspaper published in the city or county where such road is to be constructed, and except upon the condition that the company will pay all damages to owners of property abutting upon the street, alley, road, highway or public ground upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road; the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain. [§ 3, ch. 131a, R. S.]

1125. CONTROL OF STREETS RESERVED—POLICE POWER.] § 4. Every grant to any such company of a right to use any street, alley, road, highway or public ground shall be subject to the right of the proper authorities to control the use, improvement and repair of such street, alley, road, highway or public ground, to the same extent as if no such grant had been made, and to make all necessary police regulations concerning the management and operation of such railroad, whether such right is reserved in the grant or not. [§ 4, ch. 131a, R. S.]

1126. REPEAL.] § 5. That an act entitled, "An act in regard to horse and dummy railroads," approved March 19th, 1874, and in force July 1, 1874; an act entitled, "An act to amend the title and sections one (1) and three (3) of an act entitled, 'An Act in regard to horse and dummy railroads,'" approved June 9, 1897, and in force July 1st, 1897, and all acts or parts of acts inconsistent herewith are hereby repealed. [§ 5, ch. 131a, R. S.]

1127. EMERGENCY.] § 6. Whereas, the public interests require that this act take effect immediately, therefore an emergency exists, and this act shall take effect and be in force from and after its passage. [§ 6, ch. 131a, R. S.]

1128. LOCATION OF STREET RIALROADS—CONSENT.] Nothing in this act [the act concerning corporations] shall be construed to

allow the construction or operation of any street railroad in any city, town or incorporated village without the consent of the local authorities thereof. [An act concerning corporations, approved April 18, 1872, in force July 1, 1872. L. 1871-2, p. 296; § 28, ch. 32, R. S.]

RAILWAY TRAINS—SPEED LIMITED WITHIN MUNICIPALITIES.

AN ACT in regard to fencing and operating railroads. [Approved March 31, 1874, in force July 1, 1874.]

1129. SPEED THROUGH CITIES, ETC.—DAMAGES.] § 24. Whenever any railroad corporation shall by itself or agents, run any train, locomotive engine, or car, at a greater rate of speed in or through the incorporated limits of any city, town or village, than is permitted by any ordinance of such city, town or village, such corporation shall be liable to the person aggrieved for all damages done the person or property by such train, locomotive engine or car; and the same shall be presumed to have been done by the negligence of said corporation of their agents; and in addition to such penalties as may be provided by such city, town or village, the person aggrieved by the violation of any of the provisions of this section, shall have an action against such corporation so violating any of the provisions to recover a penalty of not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), to be recovered in any court of competent jurisdiction; said action to be an action of debt, in the name of the People of the State of Illinois, for the use of the person aggrieved; but the court or jury trying the case may reduce said penalty to any sum, not less, however, than fifty dollars (\$50), where the offense committed by such violation may appear not to be malicious or willful: *Provided*, that no such ordinance shall limit the rate of speed, in case of passenger trains to less than ten miles per hour, nor in any other case to less than six miles per hour. [As amended by act approved May 22, 1877, in force July 1, 1887. L. 1867, p. 165; § 87, ch. 114, R. S.]

TOWNSHIP ORGANIZATION AS APPLIED TO MUNICIPALITIES.

AN ACT to revise the law in relation to township organisation. Approved and in force March 4, 1874.

1130. EXCEPTION AS TO CITIES AND VILLAGES.] § 4. In towns in which there are incorporated cities or villages, the boundaries of which are co-extensive with the limits of the town, or the town lies wholly within the limits of an incorporated city or village, the electors shall not exercise the several powers contained in subdivisions of section 3 of this article, namely: 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13; but all moneys necessary to be raised in such towns for town expenses shall be ascertained by the county board, and the county clerk shall extend the amount so ascertained upon the collector's books of such towns, and when collected, the same amount shall be paid over to the town supervisors the same as in other towns, and the powers and provisions of all cities and villages under their organic law shall not be repealed by any of the provisions of this article. [§ 41, ch. 139, R. S.]

CITY MAY BE ORGANIZED AS TOWNSHIP.

AN ACT to authorize county boards in counties under township organization to organize certain territory situated therein as a town. [Approved May 23, 1877. In force July 1, 1877. L. 1877, p. 212.]

1131. TERRITORY OF CITY ORGANIZED AS TOWN.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county board, in any county under township organization, may provide that the territory embraced within any city in such county shall be organized as a town: *Provided,* such territory shall have a population of not less than 3,000. *And, provided,* the city council in such city shall by resolution request such action by the county board. [§ 136, ch. 139, R. S.]

1132. TOWN IN CITY.] § 2. The territory of any city now organized, within the limits of any county under township organization, and not situated within any town, shall be deemed to be a town. [§ 137, ch. 139, R. S.]

1133. ELECTION OF OFFICERS.] § 3. All town officers within any town organized as aforesaid shall be elected at the annual charter election of such city. All general elections held in such city and town, shall be held at the same voting places as the city elections, with judges and clerks appointed in like manner as for the city elections. [§ 138, ch. 139, R. S.]

1134. POWERS EXERCISED BY COUNCIL.] § 4. The powers vested in such town shall be exercised by the city council. [§ 139, ch. 139, R. S.]

1135. WHAT CITY COUNCIL MAY PROVIDE.] § 5. The city council in such city and town, may by ordinance, provide that the officers of city and town clerk shall be united in the same person; that the officers of treasurer and town collector shall be united in the same person; that the election of highway commissioners shall be discontinued, and that the offices of supervisor and poormaster, shall be separated, and the poormaster appointed by the city council. [As amended by act approved June 18, 1883. In force July 1, 1883. L. 1883, p. 174; §140, ch. 139, R. S.]

1136. MAY REGULATE THE NUMBER OF JUSTICES.] § 6. The city council in such city and town may from time to time regulate the number of justices of the peace, police magistrates and constables to be elected within such city and town; but the number elected to either of such offices shall not exceed the number allowed by law to other towns of like population. [§ 141, ch. 139, R. S.]

1137. VACANCIES.] § 7. Vacancies in any of the town offices within such city and town may be filled by the city council. [§ 142, ch. 139, R. S.]

TOWNSHIPS WHOLLY WITHIN CITIES.

AN ACT concerning townships lying wholly within cities of more than 50,000 population. [Approved and in force May 11, 1901. L. 1901, p. 314.]

1138. POWERS VESTED IN SUCH TOWNSHIPS TO BE EXERCISED BY CITY COUNCIL.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all townships

lying wholly within any city of more than 50,000 population, all the powers vested in such townships shall be exercised by the city council of such city, including all the powers vested in the town meetings and the boards of auditors of such townships. [§ 643, ch. 24, R. S.]

1139. OFFICERS OF SUCH TOWNSHIP.] § 2. The city clerk of such city shall be *ex officio* town clerk and township assessor of each of such townships, and the treasurer of the county in which such city lies shall be *ex officio* collector and supervisor of each of such townships; but such officers shall not be required to give any additional bond on account of holding such township offices, but they shall be liable on their official bonds for their acts as township officers in the same manner and to the same extent as if such bonds had been given as such township officers. [§ 644, ch. 24, R. S.]

1140. OFFICE OF HIGHWAY COMMISSIONERS ABOLISHED.] § 3. The offices of highway commissioners are hereby abolished in such townships. [§ 645, ch. 24, R. S.]

1141. THIS ACT APPLIES TO NEW OR ADDITIONAL TOWNSHIPS.] § 4. Whenever, subsequently to the taking effect of this act, by the annexation of new territory or otherwise, any new or additional township comes to lie wholly within the boundaries of any city to which this act applies, all the provisions of this act shall at once apply to such township. [§ 646, ch. 24, R. S.]

1142. CITY CLERKS AND COUNTY TREASURERS WHO BECOME EX OFFICIO TOWNSHIP OFFICERS NOT TO MAINTAIN OTHER OFFICES, ETC.] § 5. City clerks and county treasurers who become *ex officio* township officers under the provisions of this act, shall not maintain any other or different public offices as such township officers, than those provided and maintained for them as such city clerk and county treasurer. [§ 647, ch. 24, R. S.]

1143. ADOPTION.] § 6. The electors of such townships may adopt and become entitled to the benefit of this act in the following manner: Whenever one thousand (1,000) of the legal voters of such townships, voting at the last preceding election, shall petition the judge of the county court of the county in which such townships are located, to submit to a vote of the electors of such townships the proposition as to whether such townships and the electors thereof shall adopt and become entitled to the benefits of this act, it shall be the duty of such county court to submit such proposition accordingly at the next succeeding general State, county, city or township election, and if such proposition is not adopted at such election the same shall in like manner be submitted to a vote of the electors of such townships by such county court upon like application at any general State, county, city or township election thereafter, and an order shall be entered of record in such county court submitting such proposition as aforesaid. [§ 648, ch. 24, R. S.]

1144. NOTICE OF ELECTION—SUBMISSION OF ACT TO VOTE—PROCLAMATION.] § 7. The judge of such county court shall give at least ten (10) days' notice of election at which such proposition is to be submitted, by publishing such notice in one or more newspapers

published within such city, for at least five (5) times, the first publication to be at least ten (10) days before the day of election. Such election shall be held under the election law in force in such city, except as herein otherwise provided. The proposition so to be voted for shall appear in plain, prominent type at the head of every ticket and preceding the names of any persons to be voted upon for any office at such election. If a majority of the votes cast upon such proposition shall be for such proposition, this act shall thereby be adopted by such townships, and the mayor of such city shall thereupon issue a proclamation declaring this act in force in such townships. [§ 649, ch. 24, R. S.]

1145. EMERGENCY.] § 8. Whereas, an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage. [§ 650, ch. 24, R. S.]

REPORTS OF BIRTHS AND DEATHS AND REGULATION OF INTERMENTS.

AN ACT requiring reports of births and deaths and the recording of same; regulating the interment or other disposal of dead bodies, and prescribing a penalty for non-compliance with the provisions hereof. [Approved May 11, 1901, in force January 1, 1902. L. 1901, p. 301.]

1146. DUTY OF PHYSICIANS, ETC., TO REPORT BIRTHS—FORM OF REPORT.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall be the duty of every physician and midwife, in the State of Illinois, who attends the birth of a child, to report said birth within 30 days after its occurrence, to the county clerk of the county in which the birth takes place. Such reports shall be made on blank forms to be prescribed and issued by the State Board of Health, and shall contain such information as may be directed by said board in resolutions, copies of which shall be printed on the reverse of the blank forms aforesaid. When no physician or midwife has been in attendance, then it shall be the duty of the parent, or in case of the disability of the parent, of the householder to make said report within the time and in the manner aforesaid. [§ 19, ch. 126a, R. S.]

1147. PAYMENT FOR REPORTING BIRTHS.] § 2. Every physician, midwife, parent or householder, who shall comply with the foregoing provisions shall receive for each report of birth made in the manner directed by the State Board of Health, the sum of 25 cents. At the close of each quarter of the calendar year the county clerk shall certify to the county treasurer a list giving the number of births reported to him, and the names and addresses of the persons reporting the same, and payment therefor shall be made by the said county treasurer to the persons named in said list: *Provided*, that no duplicate report shall be paid for. [§ 20, ch. 126a, R. S.]

1148. PERMIT TO INTER, ETC.—WHAT TO CONTAIN.] § 3. No person shall inter, cremate, deposit in a vault or otherwise dispose of any human body, until he has received a permit so to do, as herein-after provided, which permit shall bear date when issued, shall state the name of the deceased, the date and cause of death, the manner in

which the body will be disposed of and the place of such disposal, the name of the person to whom the permit is issued, and the name of the attending physician, midwife or coroner, and shall be signed by the official by whom it is issued. [§ 21, ch. 126a, R. S.]

1149. WHO SHALL ISSUE PERMITS.] § 4. The following persons shall issue permits for interment, cremation or other disposal of bodies of such persons as die within their respective jurisdictions, viz: County clerks in counties not under township organization; town clerks in counties under township organization, and the clerks of incorporated cities and villages: *Provided*, that in any county not under township organization, the board of county commissioners is hereby authorized to divide the county into districts, not exceeding six in number, and to appoint in each district an agent of said board of county commissioners who shall be empowered to issue such permits: *Provided further*, that the duties herein devolved upon city and village clerks may be performed, instead, by the clerk, secretary or registrar of a legally appointed city or village board of health: *And, provided further*, that neither county nor town clerks nor the district agents aforesaid, shall issue permits in cases of death which occur within the jurisdiction of incorporated cities or villages. [§ 22, ch. 126a, R. S.]

1150. NO PERMIT TO ISSUE UNTIL CERTIFICATE OF DEATH.] § 5. No such permit shall be issued until there shall have been delivered to the proper official, as above designated, a certificate of death made in the manner directed, and on the blank form prescribed by the State Board of Health, by a legally qualified physician or midwife, or by the coroner of the county in which such death occurred.] § 23, ch. 126a, R. S.

1151. CERTIFICATE OF DEATH—WHAT TO CONTAIN] § 6. It shall be the duty of the physician or midwife last in attendance upon the deceased, if any there was, to sign the certificate hereinbefore required, stating the primary and secondary cause of death, according to the best information obtainable, and giving such correlative facts as may be required by the State Board of Health in resolutions, copies of which shall be printed on the reverse of said certificates. If there was no attending physician or midwife, or if the certificate of the attending physician or midwife can not be obtained within 48 hours after death has occurred, the required certificate may be made by any legally qualified physician employed for the purpose.] § 24, ch. 126a, R. S.

1152. WHERE DEATH UNDER CORONER'S SUPERVISION—BURIAL WITHOUT PERMIT.] § 7. Any death coming under the supervision or direction of the coroner shall be by him reported to the district agent, the clerk of the county, township, village or city, in which the death occurred, or to the local board of health of such city or village, as the case may be, in the manner directed and on the blank forms prescribed by the State Board of Health, and it shall be the duty of the coroner to disinter any body buried without the permit hereinbefore required, and to hold an inquest on said body, and within three days thereafter to report said death in the manner aforesaid to the proper official. [§ 25, ch. 126a, R. S.]

1153. DISTRICT AGENT, ETC., TO FORWARD CERTIFICATES TO COUNTY CLERK.] § 8. It shall be the duty of all district agents, township, city or village clerks, and clerks, secretaries or registrars of city or village boards of health to forward at the end of each month to the county clerk of the county in which such district, township, city or village is located, all certificates of death presented to them during the preceding 30 days. [§ 26, ch. 126a, R. S.]

1154. FEE FOR FORWARDING CERTIFICATES—COUNTY CLERK TO CERTIFY.] § 9. Every clerk of a township, city or village, or of a city or village board of health, every district agent and every clerk, secretary or registrar of a city or village board of health shall receive for each certificate of death forwarded to the county clerk, upon which a permit has been issued in compliance with the provisions of the foregoing sections of this act, a fee of 25 cents: *Provided*, that the city clerk or the clerk, secretary or registrar of the board of health of any city of 15,000 or more inhabitants, shall receive no compensation other than his salary for any of the duties devolved upon him by any of the provisions of this act. At the close of each quarter of the calendar year, the county clerk shall certify to the county treasurer a list giving the number of certificates of death forwarded to him, and the names and addresses of the officials so forwarding and payment therefor shall be made by the county treasurer to the officials named in said list. [§ 27, ch. 126a, R. S.]

1155. COUNTY CLERK TO KEEP RECORD—REPORT TO STATE BOARD.] § 10. The county clerk of each county shall record in the manner directed by the State Board of Health, all certificates of births and deaths delivered to him pursuant to law, and shall file such certificates in his office. The record of such certificates shall at all times be open to the inspection of the public without fee. Each county clerk shall also, during the first ten days of January, April, July and October of each year, render to the State Board of Health, in the manner directed by said board, a full and complete report of all births and deaths reported to him during the preceding quarter. [§ 28, ch. 126a, R. S.]

1156. STATE BOARD TO PREPARE FORMS FROM CERTIFICATES—WHEN LOCAL BOARD MAY.] § 11. The State Board of Health shall prepare such forms for certificates of births and deaths as it may deem proper, and shall deliver said forms to the county clerks of the several counties, whose duty it shall be to furnish such forms to physicians, midwives and coroners: *Provided*, that in cities and villages the local board of health or the city or village clerk, as the case may be, may prepare forms for certificates of death in form similar to those issued by the State Board of Health, and furnish the same to physicians and midwives. [§ 29, ch. 126a, R. S.]

1157. PENALTY.] § 12. Any person or persons who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$10 nor more than \$100, or shall be imprisoned in the county jail not to exceed 30 days, or shall suffer both such fine and imprisonment in the discretion of the court, [§ 30, ch. 126a, R. S.]

1158. FINES—DUTY OF STATE'S ATTORNEY TO PROSECUTE.] § 13. All fines collected under the provisions of this act shall be paid into the county treasury of the county in which the suit is brought, to be used for county purposes, and it shall be the duty of the State's Attorney in the respective counties to prosecute all persons violating or refusing to obey the provisions of this act. [§ 31, ch. 126a, R. S.]

1159. REPEAL.] § 14. All that part of sections 4, 5 and 6 of an act entitled, An act to create and establish a State Board of Health in the State of Illinois, approved May 28, 1877, relating to reports of births and deaths, and all acts or parts of acts in conflict with the provisions of this act are hereby repealed. [§ 32, ch. 126 a, R. S.]

1160. WHEN IN FORCE.] § 15. This act shall be in force on and after the first day of January, 1902. [§ 33, ch. 126a, R. S.]

INDEX.

A

	PAGE
ACCIDENTS:	
In expenditures provided against, 98	87
ABSENCE:	
Of judges or clerks from polls—penalty, 428	142
ABSENTEES:	
May be compelled to attend council meetings, 43	19
ABSTRACTS OF VOTES:	
How made, 445	150
ADJOURNMENTS:	
Of city courts, 294	95
ADJUTANT GENERAL:	
Duty in case of riots and mobs, 998	309
ADOPTION OF CITY ELECTION LAW:	
Effect of, 367	114
How accomplished, 363	109
Order of county court, 363	112
Stealing or mutilating returns—penalty, 364	112
Village or town may adopt, 366	114
ADOPTION OF CIVIL SERVICE ACT:	
Petition, election, etc., 346	106
ADVERTISEMENTS:	
Posters and hand bills controlled by council, 17th	25
When a nuisance, 1106	355
AFFIDAVITS:	
In action for violation of ordinance, 76	32
To be returned to election commissioners, 424	141
AFFRAYS:	
Prevention and suppression of, 72d	29
AGRICULTURAL SOCIETIES:	
Property exempt from taxation, 3	8
ALDERMEN:	
Convicted of bribery forfeits office, 42	19
Election by minority plan, 238	80
Expulsion of by two-thirds vote of council, 42	19
Number proportionate to population, 37	18
Qualifications of, 40	19
Shall be classified at first meeting of council, 59	21
Shall be elected annually, 58	21
Shall be elected by minority plan, three from each ward, 61	23
Shall hold office for term of two years, 38	19
Their compensation may be fixed by ordinance, 98	34

Index—Continued.

ALIENS:	PAGE
Not to be employed on work of sanitary channel, 727.....	246
ALLEYS:	
Establishment and maintenance of, 7th.....	24
Not to be vacated by special laws, 22.....	7
Shall be shown in plat, 221.....	76
AMUSEMENTS:	
Dangerous, regulation of by council, 93d.....	39
License and regulation of by council, 41st.....	37
Places of, regulated and controlled by council, 58th.....	28
ANCHORAGE:	
Controlled by council, 34th.....	26
ANIMALS:	
Carcass of, when a nuisance, 1st.....	267
Prohibition of cruelty to—punishment, 73d.....	29
Societies for prevention of cruelty to, 99b.....	227
ANNEXATION OF CITIES, TOWNS AND VILLAGES:	
Act relating to.....	68
Division of public property when part of city is annexed, 193.....	67
Construction of sewers not to be interfered with, 206.....	72
Creation of new wards, 206.....	72
Not to interfere with pending street improvements, 196.....	69
Not to interfere with tax levy, 191.....	67
Not to stay proceedings to take land for public purposes, 196.....	69
Objections to be heard, 163.....	56
Of anti-license territory, 203.....	71
Of municipality after tax levy is made, 194.....	68
Of one municipality to another, 160.....	54
Of part of one municipality to another, 187.....	64
Of part of a city to a town, 206.....	72
Of territory by petition of owners, 165.....	56
Of territory by petition to circuit court, 161.....	55
Of territory to municipality, 159.....	54
Ordinance and map to be filed with county recorder, 167.....	57
Proceedings for division of property, 193.....	70
Provision concerning continuation of officers, 200.....	70
Provision concerning water works, 197.....	69
Suits, prosecuted and defended in name of city, 192.....	67
Transfer of books, documents, etc., provided for, 199.....	70
Transfer of firemen, policemen, etc., 202.....	71
ANNUAL ELECTION:	
Time of holding, 55.....	21
ANNUAL REPORT OF TREASURER:	
Contents, publication, etc., 105.....	39
APPEAL:	
From city courts to appellate and Supreme courts, 300.....	96
In local improvement proceedings, 607.....	204
To city courts, justices and police magistrates, 296.....	96
To Supreme Court in local improvement proceedings.....	226
APPEAL BOND:	
Not to be required of municipality, 123.....	46
APPOINTMENTS:	
Alderman or trustee to other office prohibited, 243.....	82
And removal of judges and clerks of election, 378.....	117
Attorneys, clerks, etc., by board of improvement, 658.....	222
By mayor of certain offices, 82.....	33
Canvassers by election commissioners, 390.....	121
Civil service commissioners by mayor, 308.....	98
Commissioners of public works, etc., 577.....	193
From classified civil service list, 310.....	98
Of certain village officers, 144.....	49
Of election commissioners by county court, 368.....	114
Of judges and clerks of election under city election law, 376.....	116
Of master in chancery for city court, 292.....	95
Of police matrons, 259.....	96
Reports to be made to civil service commission, 321.....	101
To classified civil service, 317.....	100
To fill vacancy in city court, 268.....	94

Index—Continued.

APPORTIONMENT OF ASSESSMENTS:	PAGE
When paid by installments, 636.....	233
APPROPRIATIONS:	
Annual ordinance for, 97.....	37
For carrying out civil service act, 336.....	103
For corporate purposes to be made by council, 3d.....	24
For sectarian purposes prohibited, 3.....	7
Must cover all expenditures, 98.....	37
Ordinances for consolidated municipalities, 190.....	66
Separate accounts for each required to be kept, 101.....	38
Veto of separate items, 53.....	20
APPROVAL OF ORDINANCES:	
By mayor, 53.....	20
ARCHITECTS:	
Duty as to lodging houses, 1,018.....	333
ARRESTS:	
Magistrate may make, 915.....	205
May be made without warrant, 914.....	204
May be made, when, 916.....	205
ART COMMISSIONS:	
Act authorizing creation of.....	339
Compensation—rules—quorum, 1048.....	339
Creation of, by ordinance, 1045.....	339
Duties of—approval of purchases, etc., 1050.....	340
Failure to render decision 1051.....	341
Offices to be provided for, 1049.....	340
Removal or re-location of works of art, 1052.....	341
Term of members—vacancy, 1047.....	339
Who shall constitute, 1046.....	339
ARTESIAN WELLS:	
May be bored by council, 125.....	45
ASHES AND GARBAGE:	
Disposal of regulated by council, 63d.....	28
Provision concerning, 15th.....	25
ASSESSMENT ROLL:	
Certification of, 636.....	214
Contents of, 616.....	207
Filing and revision of, 608.....	204
Review of by court, 623.....	210
ASSESSMENTS:	
Act concerning, for local improvements.....	193
Abating excess for local improvements, 659.....	232
Against delinquents for local improvements, 635.....	213
Certifying roll by clerk of court, 636.....	214
Collection of, for local improvements, 636.....	214
Collectors' notice of, 638.....	215
For local improvements, how made, 611.....	206
For local improvements changed by court, 637.....	212
For local improvement, interest on, 617.....	209
New when record is destroyed, 555.....	186
Order for by superintendent of assessments, 612.....	206
Payable in improvement bonds and vouchers, 664.....	235
Political, prohibited, 329, 330.....	104
Rebate of when property has been destroyed, 557.....	186
Vacation of in local improvement proceedings, 530.....	182
See Taxation, Revenue.	
ATTORNEY GENERAL:	
Duty as to sanitary channel, 737.....	250
May prosecute violations of civil service act, 344.....	106
AUCTIONEERS:	
Licensing of by council, 91st.....	30

Index—Continued.

	PAGE
AUDITOR OF PUBLIC ACCOUNTS:	
Duty as to refunding surplus funds, 527.....	179
Duty as to sinking funds for municipalities, 525.....	178
Duty concerning bonds of consolidated municipalities, 189.....	65
Duty concerning division of towns, 186.....	60
May prescribe form of certain municipal bonds, 489.....	164
Refunding surplus funds, 530.....	150
Refusal of to draw warrant, 533.....	181
Required to certify tax rate for payment of bonds, 493.....	166
Required to make certain endorsements on bonds, 490.....	165
Required to register certain bonds, 492.....	166
Shall make entry of payment of registered bonds, 497.....	168
AVENUES:	
Establishment and maintenance, 7th.....	24
B	
BALLOT BOX:	
Delivery of to election commissioners, 443.....	149
Locking and sealing after completion of canvass, 442.....	149
Penalty for injury to on election day, 468.....	158
To be furnished by election commissioners, 372.....	115
To be kept in public view, 429.....	143
To be received and opened by election commissioners, 444.....	150
BALLOTS:	
Cast must agree in number with names on poll list, 436.....	146
Form of for adoption of organization under general law, 3.....	10
Form of for propositions submitted, 352.....	108
Form of in election for re-organization as village, 185.....	47
Form of in voting for city election law, 355.....	110
For propositions—how canvassed, 438.....	147
Penalty for changing or substituting, 463.....	156
Penalty for destruction of, 468.....	158
Penalty for placing in box before opening of polls, 457.....	155
Shall be strung as soon as tallied, 437.....	147
When to be used in canvass by county judge, 352.....	112
BALL PLAYING:	
Prevention and regulation of by council, 92d.....	30
BANNERS:	
Carried on streets within control of council, 18th.....	26
BAWDY HOUSES:	
Not to be licensed or officially inspected, 1104.....	357
Suppression of by council, 45th.....	27
BEQUESTS:	
Deeds and gifts to firemen's pension fund, 908.....	324
Deeds and gifts to public hospitals, 1016.....	332
BILLIARD TABLES:	
Licensed and taxed by council, 44th.....	27
BIRTHS AND DEATHS:	
Act requiring reports of.....	368
Burial permits required, 1148.....	368
Certificate of death—form, etc., 1151.....	369
Coroner's duties in certain cases, 1152.....	369
County clerk to keep record—report to State board, 1155.....	370
Death certificate must precede burial permit, 1150.....	369
Duty of physician—form of reports, 1146.....	366
Fees for forwarding certificates—duties of county clerk, 1154.....	370
Fines—duty of State's attorney, 1158.....	371
Forwarding certificates to county clerk, 1153.....	370
Issue of burial permits, 1149.....	369
Payment for reporting, 1147.....	368
Penalty for violation of act, 1157.....	370
State Board of Health—certain duties of, 1156.....	370
State Board of Health to prescribe forms, 1146.....	368
BLACKSMITH SHOPS:	
Location and regulation of by council, 82d.....	29

Digitized by Google

Index—Continued.

BONDS FOR PARK PURPOSES:	Page.
Issue—certification—endorsement—sale, etc., 780.....	265
Issue—registration—denominations—sale, etc., 776.....	263
Payment of interest and principal provided for, 781.....	266
Purchase of by park commissioners, 783.....	267
BONDS FOR WATERWORKS:	
City council may issue, 872.....	292
Form of—interest coupons, etc., 874.....	292
Maturity—interest—installments, etc., 874.....	292
BONDS, MUNICIPAL:	
Act concerning municipal bonds and warrants.....	163
Auditor of Public Accounts may prescribe form, 459.....	163
Auditor to certify rate for payment of, 493.....	166
By whom executed, 499.....	169
Cancellation and return by State Treasurer, 520.....	176
Declared void by courts, 531.....	180
Duty of State concerning payment of, 505.....	171
Election for issuance of, 506.....	172
Entry of payment by auditor, 497.....	168
Entry of payment by auditor, 509.....	173
For refunding existing debts—act concerning.....	175
For refunding purposes, 489.....	163
In aid of railroads not to issue after Sept. 1, 1899—522.....	177
Issued by sanitary district, 732.....	248
Manner of payment of, 496.....	168
May be issued by city council, 5th.....	34
May be issued for funding indebtedness, 6th.....	34
May be purchased with surplus funds, 518.....	176
May not be registered till railroad is completed, 506.....	172
Payment of within ten years, 510.....	174
Publication of statement by State Treasurer, 519.....	176
Purchase of from lowest bidder, 520.....	176
Record shall be kept by city clerk or comptroller, 114.....	41
Registered and not paid at maturity, 496.....	168
Registered—sinking fund for payment of, 524.....	178
Registered—surplus to be refunded, when, 530.....	180
Registration—cancellation—payment, etc., 492.....	166
Rate required for payment to be certified by auditor, 503.....	172
Shall be endorsed with amount of taxable property of municipality, 490.....	165
State assumes no liability for payment, 504.....	171
State not liable for payment of, 494.....	167
To be registered by holder with auditor, 501.....	171
To be returned to municipalities when paid, 513.....	174
What city bond record shall show, 114.....	41
BONDS, UNITED STATES:	
Purchase of with surplus funds.....	177
BOOKS AND PAPERS:	
Of city collector open to inspection, 111.....	40
Of city officers may be inspected by mayor, 31.....	17
Production of in civil service investigations, 341.....	105
Refusal to deliver to successor in office, 84.....	34
Withholding from successor—penalty, 907.....	303
BORROWING MONEY:	
To meet emergency, 98.....	37
BOULEVARD AND PARK TAX:	
Authorized for payment of bonds, 781.....	266
BOULEVARDS, PARKS AND DRIVEWAYS:	
Act authorizing bonds and tax for boulevard purposes.....	264
See Parks, Boulevards and Driveways.	
BREACH OF THE PEACE:	
At registration or election—penalty, 466.....	157
BREAD:	
Quality, weight, etc., may be regulated, 52d.....	27
BREWERIES:	
Location and regulation of by council, 82d.....	27

Index—Continued.

	PAGE
BREWERS:	
License and control of by council, 91st	30
BRIBERY:	
Of municipal officers, 244	82
Of municipal officers—penalty, 87	34
BRIDEWELLS:	
Erection of provided for, 69th	29
To be known as "house of correction," 1071	346
BRIDGES:	
Across channel in sanitary district, 728	247
And ferries, act concerning	88
Controlled by municipalities, 271	89
Establishment and regulation of, 87th	30
Construction of by sanitary district, 746	255
May be built, bought or leased by municipalities, 270	89
May be purchased by municipalities, 570	190
May be regulated by council, 38th	26
Municipal control of within sanitary districts, 747	255
Penalty for fast driving on, 272	90
Sale of for delinquent taxes, 570	190
To be constructed and maintained by council, 28th	26
Travel on controlled by municipality, 272	90
BROKERS:	
License and regulation of by council, 91st	30
BUILDINGS:	
Construction of may be regulated by council, 61st	28
Public—act regulating means of egress	355
Public—erection of those necessary for municipal use, 86th	30
BURIAL PERMITS:	
Certificate of death must precede, 1150	369
Coroner may disinter body buried without permit, 1152	369
What permit shall contain, 1148	368
Who may issue permit, 1149	369
BUTTER:	
Inspection of provided for, 53d	28
Sale of may be regulated by council, 50th	27
C	
CABMEN:	
Licensed and taxed by council, 42d	27
CALABOOSSES:	
Erection of provided for, 69th	29
House of correction may be used in lieu of, 1065	346
CANALS:	
Illinois and Michigan referred to, 733	249
May be constructed and maintained by council, 81st	26
May be purified and cleansed by council, 40th	26
CANDIDATES:	
May name watcher of the canvass, 435	146
CANVASS:	
Watchers of provided for, 361	112
CANVASSERS:	
Appointment of by election commissioners, 390	121
Duties at intermediate registration, 412	128
CANVASSING BOARD:	
County judge shall be chairman of, 451	152
Duties as to indications of fraud, 450	151
Duty as to tie vote, 449	151
Opening returns and making abstracts, 445	150
Powers and duties of, Article V	150
Presiding officer—recording result, etc., 451	152
Village or town election, 487	163

Index—Continued.

CANVASS OF BALLOTS:	PAGE
How conducted, 64	23
How made, 436	146
On propositions submitted to vote, 438	147
To commence immediately on close of polls, 436	146
CANVASS OF PRECINCT:	
By clerks of election, 399	130
CARTERS:	
Licensed and taxed by council, 42d	27
CATTLE:	
Running at large regulated by council, 80th	29
CATTLEGUARDS:	
At crossings within corporate limits, 26th	26
CASUALTY:	
In municipal expenditures provided against, 98	37
CELLAR:	
Location and cleansing of controlled by council, 84th	30
CEMETERIES:	
Act authorizing establishment of by cities, etc.	328
Act providing for removal of	327
Control of by corporate authorities, 1005	329
Establishment and regulation of by council, 79th	29
Municipalities may establish and maintain, 1001	328
Removal of beyond city limits, 998	328
Sale of lands authorized, 999	328
Sale of municipal property for cemetery purposes, 1004	329
Two or more municipalities may establish jointly, 1002	329
CENSUS:	
May be provided for by ordinance, 131	46
May be taken triennially, 86	30
Secretary of State shall certify to each municipality, 131	46
CERTAIN ELECTIONS LEGALIZED	14, 15
CERTIFICATES:	
Of appointment or election signed by mayor, 84	24
Of election made by county clerk, 447	151
CERTIORARI:	
Writs of in city court, 296	95
CHAIRMAN, PRO TEM:	
In absence of mayor, 45	20
CHALLENGE:	
Of registered voter at polls—method of, 431	144
Of registered voter—form of affidavit, 397	128
CHALLENGERS:	
At polling and registration places, designated by parties, 433	144
May not engage in electioneering, 471	159
Penalty for interference with, 467	158
CHANGE OF NAME OF MUNICIPALITY:	
Act concerning method of	73
Filing and publication of order, 214	74
Hearing of petition, 213	74
May not be made by special laws, 23	7
Provision for filing proposed name, 210	73
Rights and privileges not affected by change, 215	75
Unincorporated towns, 217	75
When void, 216	75
CHANGE OF SITE:	
Act concerning	75

Index—Continued.

CHANGE OF VENUE:	PAGE
From city courts, 297.....	96
CHARITABLE INSTITUTIONS:	
Property of, exempt from taxation, 545.....	194
CHARTERS:	
Of literary institutions to be protected, 47.....	27
Of municipalities not to be amended by special laws, 22.....	7
To be issued by Secretary of State, 12.....	12
CHEESE:	
Sale of, regulated by council, 50.....	27
CHICAGO:	
Free public library in Dearborn park authorized, 1093.....	253
Land granted for pumping station, 1063.....	341
Power to issue bonds not affected by certain act, 491.....	166
CHICAGO DRAINAGE DISTRICT:	
Act organizing Chicago as a drainage district.....	241
Condemnation of property, 716.....	242
Dam across Mud Lake valley authorized, 714.....	242
Location of "cut off" prescribed, 712.....	241
Powers of corporate authorities defined, 711.....	241
Powers of corporate authorities further defined, 715.....	242
CHICAGO PUBLIC LIBRARY:	
Act authorizing erection of.....	252
Location of building in Dearborn park, 1093.....	253
Soldiers' Home may convey interest in title to site, 1094.....	253
CHICAGO RIVER:	
May be widened and deepened, 712.....	241
CHIEF CLERK OF ELECTION COMMISSIONERS:	
Powers and duties of, 473.....	115
Salary of, 478.....	161
CHIEF EXAMINER:	
For civil service commission—salary, 336.....	102
CHIMNEYS:	
Construction of regulated by council, 63d.....	26
CIRCUIT CLERK:	
To keep transcript of cases in city court, 239.....	96
CIRCUIT COURT:	
Judges of, may exchange with judges of city court, 289.....	94
May change name of unincorporated town, 217.....	75
May determine right to use of waterworks, gas, etc., 197.....	69
May hear case for division of municipal property, 198.....	70
Petition to, in annexation proceedings, 161.....	55
CISTERNS:	
Construction and regulation of provided for, 57th.....	28
Construction of, by city council, 126.....	45
CITY ATTORNEY:	
A member of canvassing board, 445.....	150
Shall be elected biennially, 56.....	21
CITY CLERK:	
His duties enumerated, 89.....	25
His duties in connection with special tax for sidewalks, 687.....	230
May administer oaths, 95.....	36
May appoint assistant, 117.....	42
May hold no other municipal office, 89.....	35
Power to convey and transfer public property, 279.....	91
Shall be elected biennially, 56.....	21
Shall countersign all warrants, 106.....	29
Shall keep record of city bonds, 114.....	41
Shall publish annual statement of city collector, 109.....	40

Index—Continued.

CITY CLERK AND MAYOR:	PAGE:
To execute certain bonds, 499.....	169
CITY COLLECTOR:	
Books open to inspection of mayor and council, 111.....	40
Duties and powers prescribed, 108.....	39
Further duties may be prescribed by ordinance, 115.....	41
May appoint assistants, 917.....	42
Must pay over money promptly, 110.....	40
Must file annual statement with city clerk, 109.....	40
CITY COMPTROLLER:	
Council may prescribe his duties, 113.....	41
His powers and duties, 112.....	40
May appoint assistant, 117.....	42
Shall keep record of municipal bonds, 114.....	41
To pay salaries to certified appointees only, 339.....	106
What annual report shall contain, 112.....	40
CITY COUNCIL:	
Additional powers conferred on, 877.....	298
Duties as to tax levy, 119.....	42
Duties of enumerated, Article V.....	34
How composed, 86.....	18
May abate nuisance, 76th.....	29
May adopt needful sanitary measures, 78th.....	29
May adopt needful measures to prevent fires, 63.....	28
May alter, improve and control channel of water courses, 30th.....	26
May appoint board of health and prescribe its duties, 76th.....	29
May appoint harbor master and prescribe duties, 39th.....	28
May appropriate money for corporate purposes, 3d.....	34
May authorize construction of mill-races across streets, 86th.....	30
May authorize tax for restoration of buildings damaged by cyclone, 572.....	191
May borrow money, 6th.....	24
May cleanse water courses, drain or fill ponds, etc., 40th.....	28
May collect wharfage and dockage, etc., 37th.....	26
May compel railroad companies to raise or lower tracks, 27th.....	26
May compel removal or cleansing of any nauseous house or place, 84th.....	30
May construct and maintain bridges, tunnels, etc., 28th.....	26
May construct and maintain canals and slips in aid of commerce, 31st.....	28
May construct and maintain culverts, drains, sewers, etc., 29th.....	26
May construct and maintain wharves, docks, levees, etc., 32d.....	26
May control finances of corporation, 1st.....	24
May control location and construction of horse railways in streets, etc., 24th.....	25
May control railroad crossings, 25th.....	25
May create sinking fund by resolution, 52d.....	178
May direct location of distilleries, breweries, etc., 82d.....	29
May direct location of packing houses, soap works, etc., 81st.....	29
May enforce the keeping of proper weights and measures, etc., 56th.....	28
May erect calaboose, house of correction, etc., 69th.....	29
May erect engine houses for fire department, 64th.....	28
May erect hospitals and dispensaries, 77th.....	29
May establish and regulate cemeteries, 72th.....	29
May establish and regulate markets and market houses, 49th.....	27
May establish, ferries, toll bridges, etc., 87th.....	30
May establish fire limits and prohibit wooden buildings within, 62d.....	28
May establish, maintain and improve streets, alleys, parks, etc., 7th.....	24
May extend street or alley across railroad right of way, 89th.....	30
May fill vacancy in office of mayor, 23d.....	16
May fix rates of wharfage and dockage, 36th.....	26
May fix rates and regulations of waterworks, 126.....	45
May fix tolls for ferries, bridges, etc., 87th.....	30
May forbid and punish sale of liquor to minors, idiots, etc., 48th.....	27
May grant right of way to railroad or street car company, 90th.....	30
May issue bond for money borrowed, 5th.....	24
May issue bonds to refund or consolidate maturing debts, 6th.....	24
May license and regulate billiard tables, etc., 44th.....	24
May license and regulate hackmen, draymen and other drivers, 42d.....	27
May license and regulate hawkers and peddlers, 41st.....	27
May license and regulate runners for public houses, 43d.....	27
May license and regulate sale of liquor, 46th.....	27
May license and tax auctioneers, distillers, brewers, brokers, etc., 91st.....	30
May license and tax junk dealers, etc., 95th.....	31
May license and tax transient vendors, etc., 250.....	33
May license ferries, toll bridges, etc., 87th.....	30
May license tugs, wharf boats, etc., 35th.....	25
May pass all ordinances to enforce powers of municipalities, 86th.....	31
May pass ordinances over mayor's veto, 248.....	33
May plant trees on streets, public grounds, etc., 8th.....	24
May prescribe mutual relations of municipal officers and employes, 71st.....	29
May prescribe names of streets, alleys, etc., 23d.....	26

Index—Continued.

CITY COUNCIL—*Concluded*:

	PAGE
May prescribe power and duties superintendent of police, 68th	29
May prevent and punish forestalling and regrating, 51st	27
May prevent and suppress riots, etc., 72	29
May prevent dangerous construction of chimneys, flues, etc., 63d	29
May prevent cock fights, dog fights, disorderly conduct, etc., 59th	28
May prohibit and punish cruelty to animals, 73d	29
May prohibit offensive or unwholesome business establishments, 83d	30
May prohibit sale or exhibition of obscene publications, etc., 45th	37
May prohibit sale or storage of combustibles within fire limits, 83d	31
May provide by ordinance for letting contracts to lowest bidder, 94th	31
May provide fire apparatus and regulate management thereof, 64th	28
May provide for cleaning streets, alleys, etc., 12th	24
May provide for cross walks, curbs and gutters, 16th	25
May provide for erection and care of necessary municipal buildings, 86th	30
May provide for inspection and sealing of weights and measures, 55th	28
May provide for inspection of steam boilers, 67th	29
May provide for lighting streets, alleys, parks, etc., 11th	24
May provide for payment of debts of corporation, 2d	24
May provide for taking of census, 85th	30
May provide for water supply, 125	45
May regulate advertising by posters and handbills, 17th	25
May regulate and control anchorage and landing of water craft, 34th	26
May regulate and control use of public and private wharves and docks, 33d	26
May regulate and prohibit the running at large of live stock, 80th	29
May regulate auctioneers, distillers, brewers, brokers, etc., 91st	30
May regulate business of junk dealers and second-hand stores, 95th	31
May regulate carrying of banners, placards, etc., 18th	25
May regulate certain outdoor sports and amusements, 92d	30
May regulate construction and care of vaults, cisterns, pumps, sewers, etc., 57th	28
May regulate construction of buildings and fire escapes, 61st	28
May regulate disposal of garbage, offal, etc., 15th	25
May regulate flying of banners, signs, etc., 19th	25
May regulate inspection of meat, butter, vegetables, etc., 53d	28
May regulate inspection, weighing and measuring of brick, wood, coal, etc., 54th	28
May regulate laying of gas and water mains, 13th	25
May regulate licenses, 4th	24
May regulate management of soap factories, tanneries, etc., 81st	29
May regulate numbering of houses and lots, 22d	25
May regulate partition fences and party walls, 60th	28
May regulate places of amusement, 58th	28
May regulate police municipality, 66th	25
May regulate repairs of sewers, tunnels, drains, etc., 12th	25
May regulate sale of bread, weight and quality of loaf, 52d	27
May regulate sale of meats, butter, cheese and other provisions, 50th	27
May regulate speed of animals and vehicles within city limits, 21st	25
May regulate storage and sale of combustibles within fire limits, 83d	31
May regulate storage and use of dangerous explosives and combustibles, 65th	28
May regulate street labor by ordinance, 268	65
May regulate traffic on streets, etc., 20th	25
May regulate use of distilleries, breweries, livery stables, etc., 82d	29
May regulate use of harbor, towing of vessels, opening bridges, etc., 38th	26
May regulate use of sidewalks and structures thereunder, 14th	25
May regulate use of streets, alleys, sidewalks, parks, etc., 9th	24
May refund taxes illegally collected, 559	187
May remove obstructions from streets, alleys, sidewalks, etc., 10th	24
May require fencing of railways within corporate limits, 26th	25
May require railroads to keep flagmen at crossings, 27th	26
May require railroads to open and maintain drains, sewers, etc., 27th	28
May restrain and punish vagrants, prostitutes, etc., 74th	29
May suppress disorderly houses, gambling houses, lotteries, etc., 45th	29
May use county jails with consent of county board, 70th	26
Members <i>ex officio</i> school officers in certain municipalities, 818	277
Must comply with state laws in licensing sale of liquor, 46th	27
Powers enumerated, Article V	24
Provisions concerning composition, term, quorum, etc.	18, 19, 30
Shall be judges of election and qualification of its members, 41	19
Shall sit with open doors, 46	30
Term defined as related to villages, 141	48

CITY COURTS:

Act concerning establishment of	98
Adjournments provided for, 294	95
Appeals and writs of certiorari, 295	95
Appeals from, to appellate and supreme court, 301	98
Books, stationery, furniture provided for, 287	94
Change of venue provided for, 297	98
Clerks—election of—duties—vacancy, 290	94
Duties of sheriff and state's attorney, 291	94
Election of judge and clerk of, 305	97

Index—Continued.

CITY COURTS—*Concluded*;

	PAGE
Election, qualification and powers of judge, 288.....	94
Existing courts continued, 303.....	97
How established and abolished, 304.....	97
Judges of—election, qualification, powers, etc., 288.....	94
Judges of—may exchange with circuit and county judges, 289.....	94
Judges of—salary fixed, 306.....	98
Masters in chancery for, 292.....	98
Place of holding, 286.....	90
Recognizances returnable to, 296.....	96
Salary of judge, 306.....	98
Seal provided for, 285.....	98
Style of, jurisdiction, etc., 284.....	98
Terms of, regular and special, 298.....	96
Transcript book provided for, 299.....	96
Writs, orders, decrees, judgments, etc., 298.....	96

CITY ELECTION LAW:

Absence of judge or clerk from place of registration, 470.....	159
Absence of judge or clerk from polls—penalty, 428.....	143
Abstracts of votes—how made—certificate, etc., 445, 446.....	150
Act of 1885 as amended—known as "The City Election Law".....	108
Adoption of act by city, 363.....	109
Adoption of act by village or town, 434.....	162
Affidavit of person challenged—form, etc., 397.....	128
Affidavits to be returned to election commissioners, 424.....	141
Appointment of canvassers by election commissioners—duties, etc., 390.....	121
Appointment of judges and clerks of election, 376, 378.....	116
Attempt of unpardoned felon to vote, 464.....	157
Ballots cast must agree in number with names on poll list, 426.....	146
Ballots—form of, for voting on adoption of this act, 355.....	110
Ballots for propositions submitted—how canvassed, 438.....	147
Ballots—penalty for changing or substituting, 463.....	156
Ballots—penalty for destruction of after deposit in box, 468.....	158
Ballots—penalty for placing in box before opening of polls, 457.....	155
Ballots shall be strung as soon as tallied, 437.....	147
Ballots—when to be used in canvass by county judge, 362.....	112
Ballot box—delivery of, to election commissioners, 443.....	149
Ballot box—locking and sealing after canvass, 442.....	149
Ballot box—penalty for injury to on election day, 468.....	158
Ballot box to be furnished by election commissioners, 372.....	115
Ballot box to be kept in public view, 429.....	143
Ballot box to be received and opened by election commissioners, 444.....	150

BOARD OF ELECTION COMMISSIONERS:

Appointment of, by county court, 368.....	114
Authority over sheriff and police force, 392.....	120
Bond of \$10,000 required of each, 371.....	115
Chief clerk of—appointment, oath, duties, etc., 373.....	115
Chief clerk of—salary fixed, 473.....	161
Creation of board—appointment, vacancy, etc., 368.....	114
<i>Ex officio</i> commissioners in certain cases, 435.....	162
Duties concerning election registers, 424.....	141
May administer oaths, 448.....	163
May appoint precinct canvassers, 390.....	121
Members canvassing board, 445.....	150
Must declare result of canvass, 446.....	150
Oath prescribed for, 371.....	115
Organization of board, 371.....	115
Qualification of members, removal, etc., 369.....	114
Receiving and opening ballot box, 444.....	150
Removal of, on complaint, 379.....	114
Required to note condition of register, signatures, etc., 425.....	143
Salaries of commissioners and chief clerk, 473.....	161
Selection of judges and clerks of election, 389.....	121
Shall aid prosecutions and keep the peace, 477.....	160
Shall cause corrected registers to be printed, 402.....	133
Shall give bond in \$10,000 each; oath, organization, etc., 371.....	115
Shall instruct canvassers, 413.....	128
Shall keep record of deaths and of convictions and pardons, 385.....	120
Shall provide ballot boxes, poll books, tally sheets, etc., 372.....	115
Shall take charge of ballot boxes and all election supplies, 371.....	115
Term of office—first appointment, vacancy, 368.....	114
To audit claims of election officers, 483.....	162
To establish election precincts, 374.....	116
Board of registration—judges of election shall constitute, 393.....	123
<i>See</i> "Registration of Voters."	
Breach of the peace at registration or voting places, 446.....	157
Candidates may name watchers of the canvass, 426.....	146
Canvass of ballots on propositions submitted, 438.....	147
Canvass of ballots—when and how made, 425, 426.....	146

*Index—Continued.***CITY ELECTION LAW—Continued.****PAGE**

Canvass of precinct by clerks of election, 399.....	120
Canvass—watchers provided for at certain elections, 391.....	112
Canvassers—appointment of by election commissioners, 390.....	121
Canvassers—duties of at intermediate registration, 412.....	126
Canvassing board—county judge shall be presiding officer of, 451.....	153
Canvassing board—duties as to indications of fraud, 450.....	151
Canvassing board—duty as to tie vote, 449.....	151
Canvassing board—of village or town, 497.....	163
Canvassing board—opening returns and making abstracts, 445.....	150
Canvassing board—powers and duties of, Article V.....	150
Canvassing board—presiding officer—recording result, etc., 451.....	153
Challenge of registered voter at polls—method of, 431.....	144
Challengers may be designated by each political party, 433.....	144
Challengers may not engage in electioneering, 471.....	159
Challengers—penalty for interfering with, 467.....	163

CLERKS OF ELECTION:

Appointment and qualification, 376.....	116
Removal—examination—registration, etc., 378.....	117
Duty at election for adoption of this act, 359.....	111
Duty as precinct canvassers, 412.....	128
Examination—confirmation—registration, etc., 377.....	117
Failure to perform duty as canvasser—penalty, 401.....	123
May correct heading of tally list, etc., 439.....	148
May not engage in electioneering, 471.....	159
Notice of appointment—oath required of, 381.....	119
Not to be paid until certain receipts are shown, 443.....	150
Penalty for absence from polls, 428.....	143
Penalty for fraud or misconduct, 458.....	155
Penalty for fraud upon poll list, 454.....	154
Penalty for interfering with clerk, 467.....	157
Presence at polls required, 427.....	142
Refusal to serve, etc.—penalty, 377.....	117
Salary fixed, 479.....	161
Selection of by election commissioners, 389.....	121
Time allowed for each election, 480.....	161
To canvass precinct after registration, 399.....	120
To certify results of canvass, 441.....	149
To represent different political parties, 379.....	118
When to be paid by city and when by county, 481, 482.....	162

CLERK OF ELECTION COMMISSIONERS:

Appointment—oath—powers—duties, 373.....	115
Salary fixed, 478.....	161
Convicts' names to be furnished to election commissioners, 393.....	120
County clerk—duty concerning adoption of this act, 354.....	109
County clerk—failure to perform a certain duty—penalty, 354.....	110
County clerk—must file copy of abstract of votes, 446.....	150
County court—appeal from decisions of in registration proceedings, 406.....	126
County court—duty as to registration of voters, 405.....	125
County court shall appoint election commissioners, 388.....	114
County court shall enter abstract of votes on record, 446.....	150
County court shall enter order concerning adoption of this act, 362.....	113
County judge—duties concerning adoption of this act, 354.....	109
County judge—may remove election commissioner, 370.....	114
County judge—member of canvassing board, 445.....	150
Crime with reference to propositions submitted, 474.....	160
Deception of voter by changing his ballot—penalty, 463.....	156
Definition of the words "election" and "householder," 474.....	160
Disobeying lawful command of election judge—penalty, 465.....	157
Effect of adoption of this act, 367.....	114
Election days declared holidays, 393.....	121
Election—definition of the word, 474.....	160
Electioneering—prohibition of—penalty, 471.....	159
Election for adoption of this act, 363.....	109

ELECTION OFFICERS:

Claims of to be audited by election commissioners, 433.....	163
Compensation fixed, 479.....	161
May administer oaths, 488.....	163
May not engage in electioneering, penalty by, 471.....	150
Penalty for fraud or misconduct, 458.....	155
Penalty for fraud upon poll list, 454.....	154
Penalty for stealing, destroying or defacing election documents, 469.....	153
Time allowed each, 480.....	161
When to be paid by city and when by county, 481, 482.....	192
Election precincts—established by commissioners, 374.....	116
Election returns—how made in certain cases, 486.....	163
Election returns—in election for adoption of this act, 360.....	111

Index—Continued.

CITY ELECTION LAW—Continued.	PAGE
Erasure of names from register—application—hearing, etc., 404	135
Erasure of names from register—proceedings in county court, 405	135
Expenses of election—when borne by city and when by county, 481, 482	162
Expenses of adoption of this act, 354	109
False canvass of returns—penalty, 456	155
Fees and salaries of commissioners and chief clerk, 478	161
Fine must be paid before discharge of offender, 475	160
Felon not entitled to vote, 468	157
Felonies under this act; see "Felony."	
Forfeitures—recovery and payment of, 476	160
Form of affidavit and other forms under this act; see "Forms."	
Fraud in election returns—duties of canvassing board, 450	151
General registration of voters, 406	136
Governor shall furnish list of pardons granted, 383	120
Holidays—election days under this act, 368	121
Hotels must file statement with election commissioners, 391	122
Householder—the word defined, 474	160
Inkeeper must file statement with election commissioners, 391	123
Inspection of election registers by the public provided for, 420	140
Intermediate registration—rules governing, 410, 411, 413	138
JUDGES OF ELECTION:	
Appointment and qualifications of, 376	117
Appointment and removal of, 378	117
Are officers of the court under this act, 380	118
Compensation fixed, 479	161
Continuous presence required at polls, 427	142
Duties of in a certain election, 358, 359, 360	111
Duty as to election registers, 418	139
Duty concerning public view of ballot box—penalty, 429	143
Duty concerning canvass of votes, 436	146
Examination—confirmation—registration, etc., 377	117
Filling vacancy at polls, 428	142
Guilty of felony for neglect of duty, 363	113
Majority must be present to receive vote—penalty, 469	159
May administer oaths, 468	163
May not engage in electioneering, 471	159
May vouch for challenger, 433	145
Must present certain receipts before receiving pay, 443	150
Notice of appointment—oath, etc., 381	119
Penalty for absence from polls, 470	159
Penalty for illegal acceptance or rejection of vote, 455	154
Penalty for disobeying lawful command of, 465	157
Penalty for falsifying poll list, 454	154
Penalty for fraud or misconduct, 458	155
Penalty for interference with judge, 467	157
Selection of by commissioners, 389	121
Shall constitute board of registry, 393	123
Shall furnish blank affidavits, etc., 397	129
Shall sign each page of election register, 396	128
Special duties in certain election, 359	111
Time allowed each, 480	161
To act as peace officers, 424	145
To certify result of canvass, 441	149
To lock and seal ballot box, 442	149
To proclaim result of canvass, 440	148
To represent different political parties, 379	118
To return ballot box to election commissioners, 443	149
When to be paid by city and when by county, 481, 482	162
Jurat must be attached to oaths, 453	163
Landlord may be cited to appear before election commissioners, 392	122
Landlord to file statement with election commissioners, 391	122
Liability for contempt of election officers, 380	118
Liquors prohibited at places of registration and voting, 473	159
May be adopted by village or town, 366	118
Misdemeanor. (For misdemeanors under this act see "Misdemeanor.")	
Notice of application to erase name from register, 403	134
Notice—defect in election notice no defense for violation, etc., 473	159
Notice of election for adoption of this act, 354	109
Notice of time and place of registration of voters, 386	121
Notice to election officers of their appointment, 377	117
Notice to persons registered whose right is questioned, 400	131
Oaths administered by election judges only, 431	144
Oaths in writing must have jurat of proper officer, 458	163
Oaths of judges and clerks of election, 381	120
Oaths prescribed for election commissioners, 371	115
Offenses at registration or election, Article VI	152
(For offenses under this act, see "Felony," "Misdemeanor" and "Penalty.")	
Opening and closing of polls, 427	142

Index—Continued.

CITY ELECTION LAW—Continued.

Order of adoption of this act to be filed with Secretary of State, 362.....	113
Pardons, list of to be furnished election commissioners by Governor, 333.....	120
Penalties. (For penalties prescribed by this act see "Penalty.").....	
Perjury in connection with elections, 461.....	156
Petition for adoption of this act, 353.....	109
Political parties may designate challengers, 433.....	144
Poll book—form of—how kept, 430.....	143
Poll book—removal from ballot box, 444.....	150
Poll book—to be placed in ballot box after canvass of ballots, 442.....	149
Poll book—to be supplied by election commissioner, 372.....	115
Poll clerk—penalty for false poll list, 454.....	154
Polling places to be supplied by election commissioners, 352.....	120
Poll list, penalty for falsifying, 454.....	154
Polls, time of opening and closing, 427.....	142
Powers and duties of challengers, 433.....	145
Powers and duties of chief clerk, 373.....	115
Powers and duties of <i>ex officio</i> election commissioners, 455.....	152
Powers and duties of precinct canvassers, 399.....	130
Powers and duties of watchers of the canvass, 433.....	145
Proclamation by judges of election, 440.....	148
Propositions submitted protected the same as candidates, 474.....	160
Publication of names of election officers, 380.....	118
Publication of register of voters, 416.....	139
Qualifications of election officers, 376.....	116
Refusing aid and information to precinct canvassers—penalty, 390.....	122
Refusing police aid to precinct canvassers—penalty, 399.....	131
Refusing to give information to canvassers—penalty, 399.....	131
REGISTRATION OF VOTERS—	
Absence of judge or clerk from place of registration, 470.....	159
Appeals from county court, 408.....	136
Board of registry, how constituted, 393.....	123
Board of registry, form of certificate required of, 396.....	128
Board of registry, meeting of, 395.....	123
Board of registry, registration of, 377.....	117
Board of registry, vacancy filled by members of, 423.....	141
Docket of applications for erasure of names, 404.....	135
Duty of county court, 405.....	135
First meeting of board, 395.....	123
Form of register described.....	126, 127
General registration 375.....	116
General registration, forms, blanks, methods, 408.....	136
Intermediate registration, 410, 411, 413.....	138
Judges of election shall constitute board, 393.....	123
Meeting of board, 395.....	123
Notice of application to erase name from register, 403.....	134
Notice to persons registered whose right is challenged, 400.....	131
Notice of registration by election commissioners, 386.....	121
Offenses at registration of voters—penalties, 452.....	152
Penalty for mutilating or destroying register, 422.....	141
Place of registration must be provided by election commissioners, 352.....	120
Publication of register, 416.....	139
Public register to be hung up at place of registration, 397.....	128
Registering a challenged applicant, 397.....	129
Registering a voter or receiving vote by minority of judges, 467.....	159
Register, always open to inspection, 392.....	128
Register, books to be supplied by commissioners, 372.....	115
Register, challenges shall be noted thereon, 431.....	144
Register, copying illegally prohibited, 426.....	142
Register, copying, printing, posting, etc., 416.....	139
Register, disposition of when completed, 402.....	134
Register, erasure of name from, 403.....	134
Register, erasure of name from, 417.....	139
Register, form of described.....	126, 127
Register, form of prescribed.....	124, 125
Register, revision of for intermediate registration, 414.....	138
Register, revision of for special election, 419.....	140
Register, signing and certifying, 411.....	138
Register, signing, comparing and return of, 415.....	139
Register, to be enclosed in envelope and sealed, 424.....	141
Register, to be printed, etc., 402.....	134
Registry of pardons and convictions to be kept, 385.....	120
Removal of voter—certificate—affidavit, etc., 409.....	137
Revision of register—second meeting—copy, etc., 398.....	129
Revision of register—third meeting—erasing names, etc., 401.....	132
Rules and regulations to be made, 387.....	121
Second meeting of board—revision, etc., 398.....	129
Signatures of judges to each page of register, 396.....	128
Supplemental list—printing—posting, etc., 407.....	136
Third meeting of board—revision, etc., 401.....	132
Time of registration—form of register, etc., 395.....	122

Index—Continued.

<i>City Election Law—Concluded.</i>	PAGE
Reports of pardons to commissioners, 383.....	120
Returns of election for adoption of this act, 380.....	111
Returns of canvass—contents—certificates, 441.....	148
Returns of election—to whom addressed, 341.....	148
Scratched tickets—how canvassed, 436.....	147
Secretary of State to file order of county court, 362.....	118
Special election, revision of register for, 419.....	140
Split tickets—how canvassed, 436.....	147
Stealing, defacing, or destroying any election document, 459.....	156
Stealing or mutilating returns of election, 364.....	113
Supplemental list of registered voters—printing—posting, 407.....	136
Supreme court—appeals to in registration proceedings, 406.....	136
Subornation of perjury in election matters, 462.....	156
Taking or sending liquor to place of registration or voting, 472.....	159
Tally sheets, preparation of by election clerks, 366.....	111
Tally sheets, to be furnished by commissioners, 372.....	115
Taverns must file statement with commissioners, 391.....	122
Town may adopt city election law, 366.....	113
Vacancy, board of election commissioners, 369.....	114
Vacancy, board of registration, 423.....	141
Vacancy, judge or clerk of election, 390.....	118
Verification lists—how furnished—form—use, 396.....	129
Verification lists—use of by election clerks—correction of register, 399, 400.....	131
Verification lists—use of in intermediate registrations, 410.....	128
Village board of canvassers—duties of, 457.....	168
Violations of election law, Article VI.....	152
Voter's qualifications specified, 394.....	129
Voter's name must appear on register, 432.....	144
Watchers of canvass—appointment of, 433.....	143
Watchers of canvass—penalty for interference with, 467.....	168
Watchers of canvass—provision concerning, 361.....	112
CITY ENGINEER:	
Appointment of, 577.....	198
CITY ORGANIZATION:	
From new territory, 5.....	11
May change to village, 150.....	50
CITY OFFICERS:	
Appointive officers enumerated, 81.....	33
Creation and discontinuance of offices by ordinance, 81.....	33
Elected biennially, 56.....	21
Elective officers enumerated, 80.....	33
To be commissioned, 84.....	34
CITY PRISON:	
Laws concerning applicable to houses of correction, 1067.....	245
Sheriff to be the keeper of, 296.....	96
CITY REGISTER:	
Office abolished, 14.....	13
CITY TREASURER:	
Further duties may be prescribed by ordinance, 115.....	41
May appoint assistant, 117.....	42
May hold no other municipal office, 84.....	36
Shall be elected biennially, 56.....	21
Shall not succeed himself in office, 56.....	21
Shall set apart tax levied for special purpose, 122.....	44
CIVIL SERVICE COMMISSIONERS:	
Appointment of by mayor—qualifications, etc., 308.....	98
Classification of offices by, 310.....	98
Investigations made by, 322.....	102
Investigations—power over witnesses, 341.....	106
May appoint examiners, 313.....	99
Mayor may require reports from at any time, 323.....	102
Quarters to be provided and aid given, 325.....	102
Registers to be kept by commissioners, 315.....	100
Removal from office—vacancy—etc., 309.....	98
Report to mayor annually, 323.....	102
Reports of appointments to, 321.....	102
Rules governing appointments, removals, etc., 311.....	99
Salary of, 326.....	102
Shall publish rules of board, 312.....	99
Witness fees in investigations, 106.....	39

*Index—Continued.***CIVIL SERVICE IN CITIES:**

	PAGE
Abuse of political influence prohibited, 336.....	105
Act to regulate.....	98
Adoption of act—petition—election, etc., 346.....	106
Appointments and removals to be certified to comptroller, 338.....	105
Appropriations for enforcement of act, 327.....	103
Assessments for political purposes.....	104
Auditing officer's powers and duties, 337.....	105
Books and papers must be produced, 341.....	105
Chief examiner—appointment—powers and duties, 324.....	102
Classification of offices by commissioners, 310.....	98
Compelling testimony, 341.....	105
Comptroller must be notified of appointments, etc., 338.....	105
Comptroller to pay salaries to certified appointees only, 339.....	105
Commissioners—appointment—qualifications, etc., 308.....	98
Commissioners may appoint examiners, 313.....	99
Commissioners' quarters to be provided for and aid given, 325.....	102
Commissioners—removal from office—vacancy, etc., 309.....	98
Commissioners—rules governing appointments, removals, etc., 311.....	99
Commissioners—salary and expenses fixed, 326.....	102
Commissioners shall publish rules, 312.....	99
Exceptions from classified list, 319.....	101
Frauds prohibited—examinations, etc., 328.....	103
Investigations by commissioners, 322.....	102
Investigations—power of commissioners over witnesses, 341.....	105
Laws not repealed by local improvement act, 674.....	229
Mayor may require report from commissioners, 323.....	102
Methods of appointment to classified service, 317.....	100
Notice of election for adoption of act, 347.....	107
Notice of examinations for classified service, 314.....	99
Paymasters to pay certified appointees only, 340.....	105
Payment for place prohibited, 334.....	104
Penalty for violation of act, 343.....	105
Political contributions and assessments prohibited, 329.....	104
Political services not to be considered in appointments, etc., 335.....	104
Promotions provided for, 316.....	100
Registers to be kept by commissioners, 315.....	100
Removals from office, 320.....	101
Report by commissioners to mayor, 322.....	102
Reports of appointments to commissioners, 221.....	101
Salary of commissioners, 326.....	102
Soldiers and sailors to have preference, 318.....	101
Trial board—salary of members, 326.....	102
What officers may prosecute violations of this act, 344.....	106
Witness fees in investigations, 341.....	105

CLASSIFICATION OF ALDERMEN:

At first meeting of council, 59.....	61
--------------------------------------	----

CLASSIFIED CIVIL SERVICE:

Definition of—appointments to, 310.....	98
---	----

CLEANING STREETS, ALLEYS, ETC.:

Provided for, 12th.....	24
-------------------------	----

CLERK OF CITY COURT:

Election of provided for, 305.....	97
Election—duties—vacancies in office, etc., 290.....	94

CLERK OF CIVIL SERVICE COMMISSION:

Appointment—powers and duties, 324.....	102
---	-----

CLERKS OF COURT:

To furnish names of convicts to election commission, 333.....	120
---	-----

CLERKS AND JUDGES OF ELECTION:

Appointment and qualification of, 376.....	116
Their powers and duties, 64.....	22

CLERKS OF ELECTION:

Appointment and qualification of, 376.....	116
Appointment—removal, examination, etc., 378.....	117
Duty as canvassers, 413.....	128
Examination—confirmation—registration, etc., 377.....	117
May correct heading of tally list, etc., 429.....	148
May not engage in electioneering, 471.....	159
Notice of appointment—oath required of, 381.....	119

Index—Continued.

	PAGE
CLERKS OF ELECTION—<i>Concluded.</i>	
Not to be paid until certain receipts are shown, 443.....	150
Penalty for absence from polls, 428.....	142
Penalty for fraud or misconduct, 458.....	155
Penalty for fraud upon poll list, 454.....	154
Penalty for interfering with, 467.....	157
Presence at polls required, 427.....	142
Refusal to serve, etc.—penalty, 377.....	117
Salaries fixed, 479.....	161
Selection of by election commissioners, 389.....	121
Time allowed each, 480.....	161
To canvass precinct after registration, 399.....	130
To certify results of canvass, 441.....	149
To represent different political parties, 379.....	118
When to be paid by city, 481.....	162
When to be paid by county, 482.....	162
CLERK OF ELECTION COMMISSIONERS:	
Appointment—oath—powers and duties, 373.....	115
Salary fixed, 478.....	161
COAL OIL:	
Storage of regulated by council, 65th.....	28
COCK FIGHTS:	
Prevention of by council, 59th.....	28
COLLECTORS:	
Final settlement for local taxes, 549.....	185
Paying over local taxes, 548.....	185
Settlements to be made every 30 days, 547.....	185
Shall make sworn statements of collections, 546.....	184
Shall pay over taxes to treasurer bi-weekly, 121.....	44
Shall take duplicate receipts for taxes paid over, 550.....	185
COLLECTORS, CITY:	
Appointment of by city council, 81.....	33
Commissioned by warrant, 84.....	34
Comptroller shall perform duties of, 112.....	40
Duties enumerated, 108.....	39
Salary fixed by ordinance, 94.....	36
Shall give additional bond, when, 511.....	174
COLLECTORS, COUNTY:	
Failure to account for collections—remedy, 553.....	186
Failure to make required reports—remedy, 552.....	186
Settlement with municipal authorities provided for, 561.....	186
Suit upon bond by municipal authorities, 554.....	186
COMBUSTIBLES:	
Storage regulated by city council, 65th.....	28
Within fire limits—prohibition and regulation of, 93d.....	31
COMMISSIONERS OF PUBLIC WORKS:	
Appointment of, 577.....	198
COMMISSIONS:	
To municipal officers, 84.....	34
COMMITTEE REPORTS:	
To be deferred on request, 50.....	20
COMPENSATION:	
For revision of ordinances, 35.....	17
Of aldermen and trustees may be fixed by ordinance, 93.....	36
Of mayor fixed by ordinance, 92.....	36
COMPTROLLER:	
Appointment provided for, 81.....	33
Council may prescribe duties of, 113.....	41
May appoint assistant, 117.....	43
Powers and duties defined, 112.....	40
Shall keep record of municipal bonds, 114.....	41
Shall pay salaries to certified appointees only, 339.....	105
What his annual report shall contain, 112.....	40

*Index—Continued.***CONDEMNATION PROCEEDINGS:**

Chicago drainage district, 716.....	242
Property for sanitary purposes, 724.....	246
Property for water pipes, reservoirs, etc., 881.....	286
Property for water works, 880.....	289
Right-of-way across railroad tracks, 89th.....	30

CONSERVATORS OF THE PEACE:

Their powers and duties, 91.....	35
----------------------------------	----

CONSOLIDATED MUNICIPALITIES:

Provisions as to property, indebtedness, etc., 189.....	65
Provisions as to tax levy, appropriations, etc., 190.....	66

CONSTABLES:

Jurisdiction and duties not to be regulated by special laws, 22.....	7
May serve process and make arrests, 78.....	32
Special, not to be a non-resident, 257.....	85

CONSTITUTIONAL PROVISIONS:

Applicable to municipalities.....	7, 8, 9
-----------------------------------	---------

CONTRACTS:

Awarding of for local improvements, 652.....	220
For collection of garbage, 1041.....	338
For joint drainage system, 691.....	235
For stationery, fuel, etc., to go to the lowest bidder, 94th.....	31
Letting of for local improvements, 649.....	219
Municipal officers not to be interested in, 86.....	34
Not to be made in advance of appropriation, 99.....	38
Not to be taken by municipal officers, 244.....	83
Owners of frontage may take, 655.....	221

CONSTRUCTION OF BUILDINGS:

And fire escapes regulated by council, 61st.....	38
--	----

CONVEYANCES:

By school board, 797.....	271
Of premises noted on town plat, 223.....	77
Of real estate by municipalities, 373.....	90
Of real estate to school officers, 274.....	91

CONVICTS:

Conveying to house of correction, 1086.....	345
Names of to be furnished to election commissioners, 353.....	120
United States, may be received in houses of correction, 1070.....	346

COPPERAS CREEK DAM:

Removal of provided for, 739.....	253
-----------------------------------	-----

CORNER STONE:

Effect of neglect to plant, 224.....	77
--------------------------------------	----

CORONERS:

Duty as to bodies interred without burial permit, 1152.....	369
---	-----

CORPORATE NAME:

Of cities prescribed, 10.....	12
-------------------------------	----

COTTON:

Inspection of provided for, 53d.....	38
Storage of regulated by council, 55th.....	38

COUNTY BOARD:

Its jurisdiction in certain annexation proceedings, 206.....	73
May grant dram shop license, 749.....	256

COUNTY CLERK:

Duties as to certificates of births and deaths, 1155.....	370
Duties as to levee taxes, 566.....	190
Duties concerning adoption of city election law, 354.....	109
Duty concerning copy of abstract of election returns, 448.....	150
Required to certify assessed value of property to auditor, 502.....	171
Required to register certain bonds, 501.....	171
Shall issue certificate of election, 447, 448.....	151

COUNTY COLLECTOR:	PAGE.
Duty concerning sales for delinquent assessments, 686.....	223
Suit against by municipal authorities, 554.....	185
COUNTY COURT:	
Appeal from in registration proceedings, 406.....	126
Duty as to registration of voters, 405.....	125
Judges may preside over city courts, 239.....	94
May determine right to use of water works, 197.....	69
May hear proceedings for division of municipal property, 198.....	70
Shall appoint election commissioners, 363.....	114
Shall enter abstract of votes on record, 446.....	150
Shall enter order for adoption of city election law, 362.....	113
COUNTY JAIL:	
House of correction may be used in lieu of, 1065.....	345
May be used by municipality with consent of county board, 70th.....	29
COUNTY JUDGE:	
Canvass of votes for adoption of city election law, 362.....	112
Duties concerning organization of city, 5.....	11
Duties concerning organization of villages, 138.....	47
Duties concerning organization of villages from another village, 151.....	51
Duties in regard to annexation proceedings, 186.....	63
Duties regarding adoption of city election law, 364.....	109
May remove election commissioner on complaint, 370.....	114
Member of canvassing board, 445.....	150
Shall call election, 8.....	12
COUPONS:	
For interest on improvement bonds, 661.....	224
Payment of by county collector, 493.....	167
CRIME:	
In reference to questions submitted at elections, 474.....	160
CRIMINAL CASES, IN CITY COURTS:	
Provision concerning, 286.....	95
CRIMINAL CODE:	
Act concerning the quelling of mobs and riots.....	307
Act concerning violation of municipal ordinances.....	308
Act to punish fraud and extravagance, etc.....	300
Arrests without warrant, 914.....	304
Changing specifications etc., 886.....	300
Damages occasioned by riot, act concerning.....	305
Execution of search warrants, 908.....	308
Extortion by municipal officers, 902.....	301
Furnishing liquor to prisoners, penalty, 901.....	301
Imprisonment in workhouses, 937.....	309
Intoxication of officers while on duty—penalty, 900.....	301
Magistrate may make arrest, 915.....	303
Nearest magistrate to hear case, when, 917.....	305
Omission and malfeasance of officers, penalty, 895.....	299
Penalty for taking illegal fees, 904.....	302
Posse comitatus, 913.....	304
Pursuit of felon, 911.....	304
Recapture without warrant, 918.....	305
Search warrant for records, 908.....	303
Search warrant—defense proceedings, 910.....	304
Shaving warrants—penalty, 903.....	301
Withholding funds—penalty, 906.....	302
Withholding records from successor—penalty, 907.....	303
CROSS-WALKS:	
Provision and regulation of, 16th.....	25
CRUELTY TO ANIMALS:	
Prevention and punishment of, 73d.....	29
Societies for prevention of, 996.....	327
CULVERTS:	
May be maintained by council, 29th.....	23
CYCLONES:	
Damages to public buildings by, 571.....	191

*Index—Continued.***D**

DAMAGE CAUSED BY MOBS AND RIOTS:	PAGE
Act to indemnify property owners.....	306
Action against party engaged, 922.....	306
Action against municipality—how brought, 922.....	306
Action of city against rioters, 923.....	306
City may settle claim, 925.....	306
City's liability for three-fourths value of property, 919.....	306
Negligence of owner defeats recovery, 921.....	306
Notice to city of claim by injured party, 924.....	306
DAMAGES:	
Suit by husband, wife, etc., against dramshop keeper, 757.....	268
To property in sanitary district 734.....	249
DAMS:	
Henry and Copperas creek—removal of, 739.....	252
Mud Lake valley authorized, 714.....	242
DECREES OF CITY COURTS:	
How enforced, 298.....	96
DEEDS, GIFTS AND REQUESTS:	
To public hospitals, 1016.....	332
To fireman's pension fund, 986.....	324
DEFACTO TOWNS:	
May organize as villages, 157.....	53
DEFAULTER:	
Not eligible to office, 85.....	34
To municipality ineligible to office, 11.....	8
DEFECT IN NOTICING ELECTION:	
No defense for violation of election law, 473.....	159
DEFINITION:	
Election and householder defined, 474.....	160
Nuisance defined, 1106.....	357
Vagabond defined, 1108.....	358
DELINQUENT ASSESSMENTS AND TAXES:	
Act concerning.....	231
County Collector's duties concerning, 685.....	232
County collector to advertise, 681.....	231
Description differing from tax book, 681.....	231
Description of lots in county collector's returns, 682.....	231
Municipality may buy in lots, etc, 683.....	232
Proceedings to conform to laws relating to State and county taxes, 682.....	231
DESPAINES RIVER:	
Act for removing obstructions from.....	243
Diversion of its waters, 713.....	240
Relation to sanitary channel, 739.....	251
DISCONNECTING TERRITORY FROM MUNICIPALITY:	
Act of 1901 relating to.....	57
Petition—ordinance, etc., 170.....	57
Proceedings in court, 166.....	56
DISEASE:	
Suppression of by council, 78th.....	29
DISORDERLY ASSEMBLIES:	
Prevention and suppression of, 72.....	29
DISORDERLY CONDUCT:	
Prevention of by council, 59th.....	28
DISORDERLY HOUSES:	
Suppression of by council, 45th.....	27

Index—Continued.

	PAGE
DISPENSARIES:	
Establishment and control of, 77th.....	29
DISTILLERIES:	
Location and regulation of, 83d.....	29
DISTILLERS:	
Licensing and regulation of, 91st.....	30
DISTURBANCES:	
Prevention and suppression of by council, 72d.....	29
DITCHES AND DRAINS:	
To be opened and maintained by railroads, 27th.....	26
DIVISION OF INCORPORATED TOWNS:	
Act of 1891 providing for.....	58
Annual tax—pro rata share, etc., 181.....	61
Division of property and indebtedness, 180.....	60
Manner of disconnecting—election—notice—officers, etc., 176.....	58
More than one petition presented, 177.....	60
New town—vesting property, etc., 179.....	60
Not to affect assessments already made, 178.....	60
Proceedings commenced for improving streets prior to division, 182.....	61
Provision as to sewers, 183.....	63
Provision as to officers—justices of the peace, etc., 184.....	63
School districts, 185.....	63
DOCKAGE:	
Rates may be fixed by council, 36th.....	26
DOCKS AND LEVEES:	
Control of by sanitary district, 72d.....	245
May be constructed by council, 82d.....	26
DOCKETS:	
Kept by circuit court of decrees in city court, 298.....	96
Shall be kept by election commissioners, 477.....	160
DOGS:	
Dog fights to be prevented by city council, 59th.....	28
Running at large regulated by council, 80th.....	29
Taxation of by council, 80.....	29
DRAINAGE:	
Act concerning outlet sewers.....	235
Act to create sanitary districts.....	243
By special assessment, 688.....	234
Chicago organized as a drainage district.....	241
Contract for joint system authorized, 691.....	235
Cost of repairing outlet sewers, 688.....	235
Improvement districts in certain municipalities, 702.....	238
Joint sewers by contiguous municipalities, 690.....	234
Outlet sewers by special assessment, 692.....	235
Petition for outlet sewer, reservoirs, etc., 696.....	236
Proceedings for special assessment, 689.....	234
Proceedings in assessment for outlet sewers, 698.....	237
Real estate may be acquired for drainage purposes, 694.....	236
Sanitary channel, use of by outlying territory, 741.....	252
Several acts concerning.....	234
Special assessments for outlet sewers, 692.....	235
DRAINS:	
May be constructed by council, 29th.....	26
Municipalities may construct, 687.....	234
DRAM SHOPS:	
Act concerning licensing for sale of liquors.....	255
Election for granting license, 203.....	71
Evidence in proceedings under act, 728.....	260
Granting of licenses, 748.....	255
Indictments and fines under act, 760.....	259
Judgment against keeper—enforcement of, 758.....	259
Liability of dram shop keeper, 756.....	258
License by county board, 749.....	256
License—form of—revocation of, etc., 751.....	256
License to sell malt liquors only, 750.....	256

Index—Continued.

DRAM SHOPS— <i>Concluded.</i>	PAGE
Nuisance—penalty—bond, evidence, 755.....	258
Ordinance no defense in prosecutions, 763.....	260
Procuring liquors for minor, etc., prohibited, 754.....	257
Sale of liquor to minors prohibited, 753.....	257
Suit for damages against keeper, 757.....	258
Suit before justice for damages, 759.....	259
Unlawful selling defined, 761.....	259
DRAYS:	
Licensed and taxed by council, 42d.....	27
DRIVERS:	
Of hacks, drays, cabs, carts, etc., regulated by council, 42d.....	27
DRUGGISTS:	
Permits granted to sell liquors, 46th.....	27
DRUNKARDS, HABITUAL:	
Sale of liquors to, 48th.....	27
E	
EDUCATION:	
Constitutional provision concerning, 3.....	7
See "Schools."	
ELECTIONS:	
See "City Election Law."	
Annual in villages, 146.....	49
Certain elections legalized.....	14, 15
For acquiring or enlarging water works, 587.....	296
For adoption of civil service act, 346.....	106
For and against water works, 870.....	291
For annexing one municipality to another, 186.....	63
For annexing territory to a municipality, 159.....	54
For change of city to village organization, 150.....	50
For consolidation of municipalities, 160.....	54
For division of incorporated towns, 176.....	58
For dramshcp license, 203.....	71
For establishing or abolishing city courts, 304.....	97
For issuing bonds in payment of railroad debts, 506.....	172
For issuing refunding bonds, 491.....	165
For issuing refunding bonds, 516.....	175
For levying a levee tax in certain municipalities, 565.....	189
For minority representation in city council, 60.....	21
For organizing sanitary districts, 717.....	243
For organizing under common school law, 800.....	271
For organizing village from new territory, 139.....	48
For organizing village from part of another village, 152.....	51
For re-organization of town as a village, 134.....	46
For village organization—return—canvass—record of result, 139.....	48
General provisions concerning, Article IV.....	21
Municipal—opening and closing of polls, 349.....	107
Municipal—when on same day as town election, 350.....	108
Of boards of education, 789.....	268
Of certain police magistrates legalized, 255.....	85
Of chairman <i>pro tem.</i> of council, 45.....	20
Of clerk of city court, 290.....	94
Of judge and clerk of city court, 305.....	97
Of judges of city courts provided for, 288.....	94
Of officers in newly organized cities, 7.....	12
Of officers in newly organized villages, 140.....	48
Of police magistrates in certain municipalities, 251.....	84
Of police magistrates in villages, 148.....	50
Of president of board of education, 757.....	268
Of school boards in certain cities, 836.....	282
Of supervisors not to be authorized by special laws, 22.....	7
Of village officers in certain cases, 155.....	53
Of village president, 236.....	80
Places to be designated by council, 63.....	22
Result to be declared by council and recorded on journal, 64.....	22
Separate ballot required for propositions submitted, 352.....	108
Special may be ordered to fill vacancy in council, 67.....	22
Special may be provided for by village ordinance, 146.....	49
Submitting questions of public policy, 351.....	108
Time of holding in certain municipalities, 350.....	108
To be conducted as elections for county officers, 64.....	22
To fill vacancy in council, 39.....	19
The word defined, 474.....	160

Index—Continued.

	PAGE
ELECTRIC LIGHTS:	
Consent of property owners to erection of poles, 893	298
ELEVATED RAILROADS:	
On street or alley exceeding one mile in length, 1120	362
Petition for construction of, 1119	363
EMERGENCY TAX:	
In sanitary districts, 737	251
ENGINEERS:	
Examination and licensing of, 1029	336
Municipalities may issue license to, 1028	338
ENGINE HOUSES:	
Erection of by city council, 64th	28
ERASURE OF NAMES:	
From register of voters—proceedings—notice, etc., 404-405	135
EVIDENCE:	
Proof of municipal records, 984	299
Prosecutions under dram shop act, 762	260
EXAMINATIONS:	
For promotion in classified civil service, 316	100
Under civil service commissioners, 313	99
EXCLUDING TERRITORY:	
From municipality, 159	54
EXECUTION:	
Against dramshop keepers, 758	259
Patrolman's pension fund not subject to, 996	327
Police pension fund exempt from, 979	323
EXEMPTIONS FROM TAXATION:	
Municipal property, charitable institutions, etc., 4, 10	8
Property exempt under revenue laws, 545	184
EX OFFICIO:	
City clerk <i>ex officio</i> town clerk, when, 1139	367
Chairman board of health <i>ex officio</i> examiner of plumbers, 1035	337
City officers <i>ex officio</i> police pension fund commissioners, 963	314
City officers <i>ex officio</i> trustees firemen's pension fund, 965	315
City officers <i>ex officio</i> trustees police and firemen's pension fund, 944	311
City treasurer <i>ex officio</i> treasurer firemen's pension fund, 968	319
City treasurer <i>ex officio</i> treasurer police and firemen's relief fund, 944	311
County treasurer <i>ex officio</i> town collector, 1139	267
Election commissioners of one city <i>ex officio</i> commissioners of another, 436	162
Mayor <i>ex officio</i> member of art commission, 1046	339
Mayor <i>ex officio</i> inspector of house of correction, 1068	342
Members of common council <i>ex officio</i> school officers, when, 817	277
EXPLOSIVES:	
Manufacture of a nuisance, when, 1106	357
Storage of regulated by council, 65th	28
EXPENDITURES:	
Not to exceed appropriations, 98	37
EXPRESSMEN:	
Licensed and taxed by council, 42d	27
F	
FAILURE TO QUALIFY:	
Creates a vacancy, 66	23
FALSE CANVASS OF RETURNS:	
Penalty for making, 456	155

Index—Continued.

FAST DRIVING:	PAGE
On bridges controlled by municipalities, 272.....	90
FEEES AND SALARIES:	
Constitutional provision concerning, 11.....	8
Election commissioners and chief clerk, 478.....	161
Officers and employes of villages, 242.....	81
Treasurers and collectors, 514.....	175
FEEES, ILLEGAL:	
Private remedy provided for, 905.....	302
FEEES:	
Auditor for registration of certain bonds, 501.....	171
Auditor for registration of municipal bonds, 492.....	165
Clerks of city court and of circuit court, 300.....	96
Collectors of certain special tax, 498.....	169
Jurors in city courts, 301.....	96
Not to be increased or diminished during term of office, 11.....	8
State's attorney and sheriff in city courts, 291.....	94
To be prescribed by village ordinance, 144.....	69
To be paid collectors in certain cases, 511.....	174
Penalty for taking illegal fees, 94.....	36
FELONY:	
Deceiving voter with fraudulent ballot, 463.....	156
False canvass of election returns, 456.....	155
Fraudulent casting, removing or changing of ballot, 457.....	155
Injury to ballots or ballot box on election day, 463.....	155
Neglect of duty by judge or clerk of election, 363.....	113
Neglect of duty by officers of election, 439.....	145
Person guilty of not entitled to vote, 464.....	157
Stealing, defacing, destroying or falsifying election document, 459.....	155
Stealing or mutilating election returns, 364.....	113
Violation of city election law, Article V.....	153
Voting by convict not pardoned, 464.....	157
FENCING RAILROAD TRACKS:	
Within corporate limits, 26th.....	25
FERRIES:	
Controlled by municipalities, 271.....	89
Establishment and control of by council, 87th.....	30
May be bought, leased, built and maintained, 270.....	89
FERRIES AND BRIDGES:	
Act concerning.....	86
FIGHTING:	
Prevention of by council, 59th.....	28
FILING:	
Bonds of city officers, 83.....	34
Order for change of name of municipality, 214.....	74
Petition for submission of propositions to be voted for, 351.....	108
Proposed new name for municipality, 209.....	73
Result of certain election with Secretary of State 18.....	13
Statement of landlord, 391, 392.....	122
Transcript of organization proceedings, 13.....	13
FINANCE:	
Acts concerning municipal bonds and warrants.....	163
Article containing general provisions concerning, VII.....	37
Financial committee may decide certain controversies, 116.....	41
Financial officers shall perform duties required by ordinance, 115.....	41
Finances of municipality under control of council, 1st.....	24
FINES:	
Enforcement of against violator of dram shop act, 760.....	259
Must be paid before discharge of offender, 475.....	160
Provided by ordinance not to exceed \$200, 96th.....	31
Shall be paid to treasurer, 75.....	32
To be paid into school fund, 815.....	276
To be paid into village treasury, 147.....	50

Index—Continued.

FIRE APPARATUS:	
May be provided by council, 64th.....	28
FIRE CRACKERS:	
Regulation of use of by council, 65th.....	28
FIRE DEPARTMENT:	
Insurance companies taxed to support, 118.....	42
FIRE ENGINES:	
Exempt from taxation, 545.....	184
May be provided by council, 64th.....	28
FIRE ESCAPES:	
Construction of may be required, 61st.....	28
FIRE INSPECTORS:	
Act concerning.....	87
Judicial powers of, 265.....	87
Penalty for neglect of duty, 267.....	88
To investigate cause and keep record of fires, 264.....	87
FIRE LIMITS:	
May be prescribed by council, 62.....	28
Wooden buildings prohibited within 62d.....	28
FIRES:	
Precautions against by council, 63d.....	28
FIREMEN'S PENSION FUND:	
Act to create board of trustees for.....	318
Annual reports concerning State fund, 978.....	322
Beneficiaries under former act, 972.....	320
Board may draw fund from city, 968.....	319
Board of trustees provided for, 965.....	318
Creation of fund provided for, 964.....	318
Death while on duty entitles widow to pension, 971.....	320
Duty of mayor—warrants drawn on fund, 976.....	321
Investments of by board, 968.....	319
Management of—assessments—records, etc., 966.....	318
Not subject to attachment or execution, 979.....	322
Payments made on warrants only—interest, 977.....	322
Retirement for disability, 970.....	319
Retirement for long service, 978.....	320
Rewards, gifts, devises, etc., 967.....	318
Treasurer—books and accounts—bond, 975.....	321
To whom act applies, 974.....	321
FIRE PLACES:	
Construction of regulated by council, 63d.....	28
FIREWORKS:	
Regulation and restraint of, 65th.....	28
FISCAL YEAR:	
May be fixed by ordinance, 96.....	37
FISH:	
Inspection of provided for, 53d.....	28
Sale of regulated by council, 60th.....	27
FLAGMEN:	
At railroad crossings, 27th.....	26
FLAGS AND BANNERS:	
Across streets regulated by council, 19th.....	25
FLOUR:	
Inspection of provided for, 53d.....	28
FOREIGN FIRE INSURANCE COMPANIES:	
Act concerning tax or license fee.....	322
License and taxation of, 118.....	42
Penalty for violation of act, 962.....	323

Index—Continued.

	PAGE
FORESTALLING:	
Prevention and punishment of, 51st	27
FORFEITURES:	
Recovery and payment of, 476	160
FORMS:	
Affidavit challenging registered voter, 397	128
Affidavit for erasure of name, 403	134
Affidavit for application to erase name from election register, 404	135
Affidavit of rejected applicant for registration, 397	129
Affidavit of applicant whose right to register is questioned, 401	133
Ballot for adoption of city election law, 355	110
Ballot for organization of city or village, act of 1872, 3	19
Ballot for minority representation in city council, 60	22
Ballot for police pension fund, 943	310
Ballot for water works proposition, 871	291
Bonds for local improvements, 661	224
Bonds for water works, 874	232
Certificate of judges—adoption of city election law, 354	109
Certificate of registration board, 396	123
Endorsement on improvement bond, 704	240
Improvement bond, 661	224
Notice of school election, for organization under general law, 799	271
Notice of school election for president of school board, 790	265
Oath for election commissioners, 371	115
Oath for judges and clerks of election, 381	120
Oath for municipal officers, 83	23
Oath of applicant for registration, 1st	126
Petition for outlet sewer, reservoir, etc., 697	237
Register of voters under city election law	124, 125
Special assessment notice, 619, 638	206, 215
Verification list, city election law, 398	130
FOUNDRIES:	
Location and regulation of by council, 82d	29
FRAUDS:	
In civil service examinations, 328	108
FRAUDULENT BALLOT:	
Penalty for placing in ballot box, 457	155
FRAUDULENT DEVICES:	
Suppression of by council, 45th	27
FUEL:	
To be furnished on contract with lowest bidder, 94th	31
FUNDS:	
Firemen's pension fund—act authorizing	218
Municipal funds—place of deposit fixed by council, 104	269, 28
Patrolmen's pension fund—act authorizing	324
Police and firemen's relief fund—act authorizing	310
Police pension fund—act authorizing	313
G	
GAMBLING HOUSES:	
Suppression of by council, 45th	27
GAMING ON BOATS:	
Municipal jurisdiction over, 233	79
GARBAGE:	
Act concerning disposition of	338
Appropriations for collection and disposition of, 1042	339
Regulation of disposal of by council, 15th	25
GAS FACTORIES:	
Provided for, 13th	25
GAS PIPES:	
Consent of property owners required, 893	298
Laid under regulation of council, 13th	25

Index—Continued.

GEESE:	PAGE
Running at large regulated by council, 80th	29
GENERAL ASSEMBLY:	
Powers and duties concerning municipal revenue, Article IX.....	8
Shall not pass special laws, 23.....	7
GENERAL LAW OF 1872:	
For the incorporation of cities and villages.....	10
May be adopted by existing municipalities, 1.....	10
GENERAL POWERS:	
Of municipalities, 10.....	12
GENERAL PROVISIONS:	
Relating to municipal finances, 115, 118.....	41
GENERAL REGISTRATION:	
Methods, forms, etc., under city election law, 408.....	136
GENERAL SCHOOL LAW:	
Applies to municipalities, 785	267
GOATS:	
Running at large regulated by council, 80th	29
GIFTS:	
Deeds and bequests to public hospitals, 1016	332
GOVERNOR:	
Duty in case of mobs and riots, 983	308
May appoint railroad directors in certain cases, 507.....	173
Shall furnish list of pardons to election commissioners, 298.....	130
To appoint commission to inspect sanitary channel, 743	253
To appoint judge to fill vacancy in city court, 298.....	94
GROCERY:	
Location or removal of by council, 84th.....	30
GUNPOWDER:	
Manufacture of, when a nuisance, 1106	357
Storage of regulated by council, 65th.....	28
GUTTERS:	
Construction and regulation of by council, 57th	28
H	
HABITUAL DRUNKARD:	
Sale of liquor to, 753.....	257
HACKMEN:	
Licensed and taxed by council, 42d	27
HARBOR MASTERS:	
Appointment of by council, 39th	26
HARBOR REGULATIONS:	
May be made by council, 38th.....	26
HAWKERS:	
License of by council, 41st.....	27
HEALTH:	
Promotion of by regulations of council, 78th.....	29
HEARTHS:	
Construction of regulated by council, 63d.....	28

Index—Continued.

	PAGE
HENRY DAM:	
Removal of provided for, 739	252
HOLIDAYS:	
Election days in certain cities, 398	121
HOOKS AND LADDERS:	
May be provided by council, 64th	28
HORSE AND DUMMY ACT:	
Referred to, 70	31
Repeal of act, 1126	364
HORSE RAILROADS:	
Provision concerning, 24th	25
HORSES:	
Running at large regulated by council, 80th	29
Speed of regulated by council, 21st	25
HORTICULTURAL SOCIETIES:	
Property exempt from taxation, 3	8
HOSE CARTS:	
May be provided by council, 64th	23
HOSPITALS:	
City may aid non-sectarian, 1006	329
HOSPITALS, PUBLIC:	
Act authorizing establishment of in cities	320
Board of directors—appointment of, 1009	320
Deeds—gifts—bequests, etc., 1016	322
Directors' duties—meetings—funds, reports, 1014	322
Directors' term of office—removal, etc., 1010	320
Erection and control of by council, 77th	29
For whose benefit established, 1012	331
How established—petition—election—notice, etc., 1008	330
Organization of board—powers and duties, 1012	331
Physicians—equal privileges accorded to, 1017	332
Rules prescribed by board, 1015	332
Vacancies on board—how filled, 1011	331
What cities may establish, 1007	330
HOTELS:	
Must file statement with election commissioners, 391	122
Supervision of by State Board of Health, 1024	324
HOUSEHOLDER:	
The term defined, 474	160
HOUSES OF ILL FAME:	
Act prohibiting	357
Licensing and inspection of prohibited, 1104	357
Suppression of by council, 45th	27
HOUSES OF CORRECTION:	
Act authorizing establishment of	324
Application of other laws, 1067	345
Books—statements—accounts, etc., 1061	343
Cities may establish, 1067	342
Commitment to, 1065	345
Conveying convicts to—fees, 1066	345
County may use, 1064	344
Erection of authorized, 69th	28
Expenses of provided for, 1069	346
Federal convicts committed to, 1070	346
Inspectors, appointment—term, etc., 1068	342
Inspectors, duties—compensation—record, 1060	342
Oath and bond of officers, 1073	346
Outside of corporate limits, 1074	347
Police powers over houses outside limits, 1074	347
Record of conduct—good time, etc., 1072	346
Reports—removal of officers, etc., 1062	344
Rules—employés—appropriations, 1069	343

Index—Continued.

HOUSES OF CORRECTION—<i>Concluded.</i>	PAGE
Salary of superintendent, 1072	348
Shelter department for females, 1068	345
Superintendent—duties—appointment—term, etc., 1063	344
Teachers—matron—employees, etc., 1063	345
To supersede bridewells, 1071	346
HIGHWAY COMMISSIONERS:	
May build sidewalks in unincorporated towns, 1111	360
HIGHWAYS:	
Vacation of—vote required, 1112	361
HUMANE SOCIETIES:	
Act concerning fines, etc.	327
Fines to go to support of, 996	327
To be incorporated under laws of State, 997	327
HYDRANTS:	
Construction and regulation of, 57th	28
I	
IDIOTS:	
Sales of liquor to may be prohibited by council, 45th	27
ILLEGAL FEES:	
Private remedy provided, 905	302
ILLINOIS RIVER:	
Act for removing obstructions from	243
As related to sanitary channel, 789	261
IMMORAL PUBLICATIONS:	
Prohibition of by council, 45th	27
IMPROVEMENT BONDS:	
Form of prescribed, 661	224
Interest on—how paid, 667	225
Payment of assessment in bonds, 664	225
To be issued at par, 662	224
IMPROVEMENT DISTRICT IN CITIES:	
Aid may be required of railroad company, 706	240
Corporate authorities to make survey, 708	239
May issue bonds, 704	239
Payment of bonds, 705	240
Powers granted—how made effective, 708	241
Property of minors, 707	240
Rights of bondholders, 709	241
Survey—costs—benefits, etc., 708	239
IMPROVEMENTS:	
Commenced before division of incorporated town, 182	61
IMPROVEMENTS, LOCAL:	
Act of 1897 relating to	193
Act relating to delinquent assessments	231
Act relating to municipalities subject to overflow	239
Act relating to outlet sewers, reservoirs, etc.	235
Act relating to sidewalks built by special assessment	228
Act relating to special assessments in instalments	232
To be discontinued when property has been destroyed, 657	187
See "Local Improvements."	
IMPRISONMENT:	
For violation of ordinance, 76	32
In houses of correction, 1066	345
Provided by ordinance not to exceed six months, 96th	31

Index—Continued.

INCORPORATED CITIES:	PAGE
May adopt act of 1872, 1.....	10
INCORPORATED TOWNS:	
Division of provided for, 176	58
Having <i>de facto</i> organisations may reorganise as villages, 157.....	63
May reorganise as villages, 184	46
Sewers, waterworks, lights, etc., when town is divided	50
INCORPORATION OF MUNICIPALITIES:	
Not allowed under former laws, 149.....	50
INDEBTEDNESS, MUNICIPAL:	
Not to be extinguished by special laws, 22	7
Private property not liable for, 10.....	8
When an incorporated town is divided, 180.....	60
INN:	
Must file statement with election commissioners, 391	123
INSPECTION:	
Brick, lumber, wood, coal, hay, etc., provided for, 54th	28
Election registers by the public, 420	140
Lodging houses in cities authorized	324
Meat, butter, tobacco, flour, etc., provided for, 53d	28
Steam boilers provided for, 67th	29
Weights and measures provided for, 55th.....	28
INSTALLMENTS:	
Assessments for local improvements, 617	208
Bonds issued to anticipate installments, 661.....	223
Judgments on assessments, 630	212
Sanitary district improvements, 730, 731.....	248
Special assessments payable in, 686.....	232
INSURANCE PATROLMEN'S PENSION FUND:	
Act authorising creation of fund	324
Annual report concerning fund, 984.....	327
Beneficiaries of fund, 989	325
Cities to which act applies, 984	324
Control of fund—rules and regulations, 986	324
Fees, gifts, rewards, etc., to go into fund, 986.....	324
Fund not subject to execution	327
Investment of fund provided for, 997.....	325
Payments from fund—deposit—interest, 993	326
Retired pensioners—widows, etc., 990	325
Retirement of member—pension, 988.....	325
To whom act applies, 991.....	326
Treasurer of fund—bond, etc, 992	326
INSURANCE:	
Licensing and taxing of foreign companies, 118	42
Superintendent's report of, to fire inspector, 265.....	87
Taxation of companies by municipalities, 575.....	192
INTEREST:	
On assessments for local improvements, 617.....	208
Interest paid on warrants and juror's certificates.....	152
Payment of, on improvement bonds, 667.....	225
INTERMEDIATE REGISTRATION:	
Rules governing, 413	128
Signing and certifying registers, 411.....	128
Use of verification lists, 410	128
INTOXICATION:	
Prevention of, by council, 59th	26
While in discharge of official duties, 900.....	201
INVESTIGATIONS:	
By civil service commission, 323	102
By fire inspectors, 267.....	84
ITINERANT MERCHANTS:	
Licensing and taxation of, 260	82
Peddlers, hawkers, etc., under control of city council, 43d	27
Soldiers and sailors to pay no fee for license, 1065.....	342

*Index—Continued.***J**

JOINT SEWERAGE SYSTEM:	PAGE
Act authorizing formation of.....	234
JOLIET:	
As related to sanitary channel, 739.....	232
JOURNAL OF PROCEEDINGS:	
Must contain entry of result of elections, 64.....	23
Shall be kept by city council, 47.....	20
Transcript of to be filed with Secretary of State, 13.....	13
JUDGE:	
Not disqualified because a resident of municipality, 130.....	46
JUDGE OF CITY COURTS:	
Election—qualification—powers, etc., 288.....	94
Election of, 306.....	97
May exchange with judge of appellate and circuit court, 289.....	94
Salary fixed, 306.....	98
JUDGES OF ELECTION:	
See "City Election Laws."	
JUDGMENTS:	
Delinquent lots for sidewalk assessments, 679.....	230
Effect of in local improvement proceedings, 631.....	212
In condemnation proceedings for local improvements, 605.....	202
Of city courts—enforcement—effect of, 238.....	96
Of city courts—transcript to be kept by clerk of circuit court, 239.....	96
JUDICIAL NOTICE:	
Of municipal organization, 6.....	11
JUNK STORES:	
Licensing and regulation of provided for, 96th.....	31
JURAT:	
Must be attached to oaths in writing, 463.....	163
JURISDICTION:	
Of city courts defined, 234.....	33
Of city council for quarantine purposes, 51.....	20
Of county boards in certain annexation proceedings, 204.....	73
Of courts in local improvement proceedings, 512.....	206
Of justices of the peace, 77.....	32
Of justices of the peace after annexation of municipality, 201.....	70
Of police magistrates and justices in village cases, 147.....	50
Of police magistrates in certain municipalities, 253.....	54
Of municipalities bordering on any river, 232.....	79
Of municipalities bordering on Ohio river, 232.....	79
Of municipality located in two or more counties, 234.....	79
Of municipality over water works, 126.....	45
Of municipality to which another is annexed, 186.....	63
Of municipal officers over police districts, 262.....	56
Over waters within or bordering on corporate limits, 79.....	32
JURORS:	
Fees of in city courts, 301.....	96
Qualification of in certain actions, 130.....	46
JUSTICE OF THE PEACE:	
Appeals from to city court, 205.....	96
Jurisdiction and duties not to be regulated by special laws, 22.....	7
Jurisdiction in actions under city ordinances, 77.....	22
Jurisdiction after annexation of municipality, 201.....	70
Jurisdiction in village cases, 147.....	50
Suit for damages before, 759.....	259
Where towns are divided, 184.....	62

*Index—Continued.***K****KINDERGARTENS:**

School boards may establish, 840.....	283
Teachers in must hold certificates of examination, 841.....	284

KITE-FLYING:

Prevention and regulation of by council, 92d.....	30
---	----

L**LABOR ON STREETS:**

May be regulated by ordinance, 268.....	66
Paving, grading, altering, etc., 7th.....	24

LAKE MICHIGAN:1

As related to sanitary channel, 739.....	251
May receive flood waters of the Desplains, 712.....	241

LAND GRANT:

Dearborn park for library purposes, 1068.....	353
To Chicago for pumping station, 1068.....	341

LAND FOR CEMETERIES:

May be purchased by council, 79th.....	29
--	----

LANDING OF BOATS:

Controlled by council, 34th.....	26
----------------------------------	----

LANDLORD:

Annual statement to county clerk in certain cities, 1027.....	335
May be cited to appear before election commissioners, 392.....	122
Must keep register of lodgers, 1028.....	334
To file statement with election commissioners, 391.....	122

LARD:

Inspection of provided for, 53d.....	28
Sale of regulated by council, 150th.....	27

LEVEES AND DOCKS:

Building and maintenance of by council, 32d.....	25
--	----

LEVEES AND DYKES:

May be constructed by municipalities, 687.....	234
--	-----

LEVEES AND LANDINGS:

Act authorizing municipalities to lease.....	356
Municipalities may lease, 1102.....	356
Ordinance for lease of, 1103.....	356

LEEVE TAX:

Not to prevent two per cent levy for corporate purposes, 569.....	190
Repair and maintenance of levees, 565.....	189

LIABILITY:

For aid to railroads limited.....	177
For bonds, not incurred by State, 494.....	167
For contempt of election officers, 890.....	118
For damages by sanitary district, 735.....	249
For damages caused by riots, 919.....	395
Not assumed by State for payment of certain bonds, 504.....	171
Of municipality not affected by change of organization, 12.....	12
Of railroad for damages to live stock, 26th.....	26

LIABILITY OF OFFICER:

For failure to deliver books and records to successor, 84.....	34
For wrongful sale of land, 644.....	217

Index—Continued.

LIBRARIES, FREE PUBLIC:	PAGE
Act to encourage establishment of in cities, etc	354
Act authorizing erection of in Dearborn Park, Chicago	352
Act authorizing establishment of	347
Borrowing money for—tax—levy—rents, etc., 1090	351
Buildings—plans—costs—5 mill tax, 1087	350
Contract for building, 1089	351
Corporation—how formed, 1086	354
Destruction of by Chicago fire, 1086	350
Directors—appointment of by mayor, 1076	347
Directors—compensation—vacancy, etc., 1078	348
Directors—in villages, etc., 1086	350
Directors—organization—powers—funds, 1079	348
Directors—term of office—removal, 1077	348
Donations—deeds—bequests, etc., 1083	349
Erection of building—investment of funds, 1088	351
Exempt from taxation, 545	184
In villages, towns and townships, 1084	349
Municipalities may establish, 1075	347
Ordinances—penalties, etc., 1083	349
Perfecting organization—corporate purpose, 1087	354
Petition for—election—tax—funds, 1084	349
Powers—members—property—report to Governor, etc., 1088	355
Purchase or lease from library associations, 1091	351
Report of directors, 1081	349
Trustees may form corporation, 1086	354
Who may use, 1080	348
LIBRARY ASSOCIATIONS:	
Act authorizing sale of property by	351
May sell to public libraries—meeting—notice, etc., 1091	351
Stockholders—vote—transfer, etc., 1029	352
LIBRARY, CHICAGO PUBLIC:	
Act authorizing erection of building for	353
Dearborn park donated for site, 1093	353
Soldiers' Home may sell interest in site, 1094	353
LICENSES:	
Act concerning plumber's license	337
Fees for shall be paid to treasurer, 75	32
For dram shops issued by county board, 749	256
For foreign fire insurance company, 748	255
For keeping dram shop, 748	255
Form of for dram shops, 751	256
May be issued and revoked as provided by council, 4th	24
Of ferries and toll bridges by municipalities, 87th	30
Of houses of ill-fame prohibited, 1104	357
To auctioneers, brewers, distillers, etc., 91st	30
To foreign fire insurance companies by municipalities, 118	43
To junk dealers and second-hand stores, 95th	31
To keep dram shops in annexed prohibition territory, 203	71
To persons in charge of steam boilers, 1028	236
LICENSING AND TAXING:	
Runners for stages, cabs, hotels, etc., by council, 43d	27
Ten-pin alleys, billiard tables, etc., by council, 44th	27
LICENSING:	
Of hawkers, peddlers, pawnbrokers, etc., 41st	27
Of itinerant merchants, 250	83
Of sale of liquors, 46th	27
Of tugs and wharf boats by council, 35th	26
LIEN:	
Waterworks a lien on premises, 861	239
LIGHT AND HEAT:	
Act concerning lighting and heating companies	239
LIGHTING OF STREETS, ALLEYS, ETC.:	
City council may provide for, 11th	24
System may be used by annexed territory, 197	69
Taxation for maintenance of plants, 564	189

Index—Continued.

LIQUORS:	PAGE
Licensing and prohibition of sale, 46th.....	27
Prohibited at places of election or registration, 472.....	159
Sale of by pharmacists for certain purposes, 745.....	255
Sale of to minors, idiots, servants, etc., 48th.....	27
See "Dram Shops."	
LIST OF MUNICIPALITIES:	
Shall be kept by Secretary of State, 211.....	74
LITERARY INSTITUTIONS:	
Their charters protected, 47th.....	27
LIVERY STABLES:	
Licensing and regulation of by council, 91st.....	30
Location and regulation of by council, 82d.....	9
LIVE STOCK:	
Running at large regulated by council, 80.....	29
LOCAL IMPROVEMENTS:	
Abating excess of assessments, 659.....	222
Accepting bids—forfeiture, etc., 652.....	220
Act concerning reports to city council.....	98
Act concerning special assessments, etc.....	198
Act does not repeal certain act concerning sidewalks, 674.....	226
Act does not repeal civil service laws, 674.....	226
Acts of board conclusive, 658.....	222
Adoption of act by corporate authorities, 673.....	227
Adverse claimants, 603.....	203
Affidavit of ownership, 594.....	200
Appeals from final judgment, 670.....	220
Application for judgment of sale, 641.....	216
Apportionment of cost, 614.....	206
Assessment modified by court, 627.....	212
Assessment roll, 616.....	207
Assessment roll—certification of, 636.....	214
Assessments by installments, 617.....	208
Attorney for board, 658.....	222
Board of—how constituted, 581.....	194
Board of must recommend ordinance, 580.....	194
Board of must report to council, 282.....	98
Bonds accepted by board, 658.....	222
Bonds and vouchers claims against assessments only, 665.....	226
Bonds—payment of, 663.....	224
Bonds—payment of interest on, 667.....	225
Bonds—retirement of, 618.....	209
Bonds—to anticipate installments, 661.....	223
Bonds—to issue at par and interest, 662.....	224
By general taxation, 124.....	44
By special taxation, 610.....	205
Certifying assessment roll, 636.....	214
Change of ownership of property, 602.....	208
Collection of assessments, 635.....	214
Collector's compensation, 645.....	218
Collector's demand, 639.....	215
Collector's duties, 639.....	215
Collector's notice, 638.....	215
Collector's report of delinquent tax, 640.....	215
Collector's report to be evidence, 641.....	216
Commissioner's certificates, 593.....	199
Commissioner's report, 590.....	198
Commissioner to assess damages and benefits, 589.....	198
Completing unfinished work, 657.....	221
Constitutional provision concerning, 9.....	6
Contractor's bonds, 657.....	221
Contracts made by board, 658.....	222
Contracts payable from assessments only, 645.....	218
Default on bids, 656.....	221
Deficiency provided for, 623.....	211
Delinquent list made by collector, 640.....	215
Description of property assessed, 615.....	207
Discontinuance in case of serious loss by fire, 567.....	187
Effect of judgment, 605.....	206
Effect of judgment, 631.....	212
Engineer for board, 658.....	222
Estimate of cost to be made, 585.....	197
Expenses of board—how paid, 669.....	226
Filing roll by commissioners, 608.....	204
Hearing of objections, 623.....	210

Index—Continued.

LOCAL IMPROVEMENTS—Continued.	PAGE.
Infant or insane owners, 604.....	208
Inspection of work by board, 669.....	223
Judgment applies to installments, 630.....	212
Jurisdiction of courts, 612.....	209
Jurisdiction of defendants—summons—service—etc., 596.....	200
Jury may view premises, 600.....	202
Land must be acquired, prior to assessment, 623.....	212
Letting of contracts, 649, 650.....	218
Municipality may bid in at delinquent sale, 647.....	218
Municipality may do the work, 649.....	218
Net damage or benefit, 591.....	196
New assessment for completed work, 623.....	213
New assessment against delinquents, 635.....	213
Notice for letting contracts, 651.....	219
Notice of award of contract, 654.....	220
Notice of proposed improvement, 616.....	207
Notice of special assessment, 619.....	209
Notice to owners, 596.....	201
Notice to parties assessed, 597.....	201
Objections may be filed, 631.....	210
Offset for land donated, 592.....	199
Order for assessment, 613.....	206
Order for possession, 608.....	204
Ordinance authorizing, 579.....	194
Owners of frontage may take contract, 655.....	221
Payment for work while in progress, 666.....	226
Payment of assessments in bonds, 664.....	225
Payments of bonds and costs, 663.....	224
Payments of money by collectors.....	218
Petitions addressed to board, 593.....	196
Petitions of property owners, 579.....	194
Precedence for trial in county court, 626.....	211
Preliminary hearing concerning proposed improvement, 582.....	195
Proceedings preceding appeal, 607.....	204
Prior improvement no bar, 623.....	212
Private property taken or damaged, 598.....	197
Public hearing concerning proposed hearing, 583.....	196
Publication of ordinance, 596.....	197
Rebates—how declared and paid, 668.....	226
Rebates of assessments, 634.....	213
Recommendations of board, 584.....	197
Redemption after sale, 643.....	217
Remonstrances may be filed, 583.....	196
Repeal of conflicting acts, 674.....	227
Repeal of ordinance authorizing, 581.....	93
Requested by majority of frontage, 609.....	206
Return of sale to county clerk, 643.....	217
Revenue laws to apply in delinquent proceedings, 646.....	218
Revenue laws to govern delinquent sales, 642.....	217
Review of assessment roll, 622.....	210
Revised assessment roll, 608.....	204
Sale of delinquent lots and parcels, 642.....	217
Sale where assessment is paid—penalty, 644.....	217
Separate trials, 599.....	202
Sidewalks may be built by owners of frontage, 609.....	206
Special assessments for, Article IX.....	44
Special assessments for, 611.....	206
Supplemental assessments for, 634.....	213
Treasurer's account—how kept, 648.....	218
Trial to determine benefits and damage, 596.....	202
Trial by jury, 624.....	211
Vacation of assessments, 632.....	213
Vouchers drawn against assessments, 663.....	224
Warrant to collector, 637.....	214
Writs of error may issue, 671.....	226
LOCKPORT:	
As related to the sanitary channel, 739.....	253
LODGING HOUSES:	
Act authorizing inspection of.....	334
Act for regulation and inspection of.....	333
Annual statement to county clerk, 1027.....	335
Architect's or builder's violation of act—penalty, 1021.....	333
Duties of health officers, 1020.....	333
Failure to file annual statement, 1027.....	335
Landlord to file statement with county clerk, 1027.....	335
Plans for, to be approved by health department, 1018.....	332
Plumbers subject to instructions of health department, 1019.....	333

Index—Continued.

	PAGE
LODGING HOUSES—<i>Concluded.</i>	
Plumber's violation of act—penalty, 1022	323
Register—contents—penalty, 1026	324
Rooms and beds—requirements concerning, 1023	324
Statements required from, 391	123
Supervision of, by State Board of Health, 1024	324
LOTS:	
Shall be numbered in plat, 221	76
LOTTERIES:	
Suppression of by council, 45th	27
LUMBER YARDS:	
Licensing and regulation of by council, 91st	30
Prohibition and regulation of within fire limits, 93d	31
MAJORITY:	
Of all members elected required to pass ordinance, 48	20
Of council constitutes a quorum, 43	19
MALT LIQUORS:	
License to sell may be granted, 750	256
MANDAMUS:	
To compel Auditor to draw warrant, 533	181
MANUAL TRAINING:	
Departments may be established in high schools, 842	284
Petition for—notice—election, etc., 842	284
MAPS:	
Of annexed territory to be filed in recorder's office, 167	57
Ordinance requiring approval and recording of, 129	46
MARKETS:	
Provided and regulated by council, 49th	27
Public market houses exempt from taxation, 545	184
MASTER IN CHANCERY:	
For city courts, 292	96
MAYOR:	
A conservator of the peace, 91	26
Compensation of, 92	36
Has power of sheriff, within city limits, 28	17
May administer oaths, 95	36
May appoint certain officers, 577	193
May appoint civil service commissioners, 806	96
May appoint police matrons, 259	96
May hold no other municipal office, 86	26
May veto whole or part of ordinance, 247	63
Powers and duties in police districts, 263	96
Powers and duties of, enumerated	16, 17
Powers in conveying public property, 279	92
<i>Pro tem.</i> may be elected by council, 24	16
Qualifications and term of office, 21	16
Shall be elected biennially, 56	21
Shall execute certain bonds, 499	169
Shall sign all warrants, 106	39
The term defined as relating to villages, 141	48
To perform all duties prescribed by ordinance, 80	17
Trustees, <i>ex officio</i> , of police pension fund, 944	311
Vacancy in office—how filled, 22, 23	16
MEAL:	
Inspection of provided for, 53d	28
MEATS:	
Inspection of provided for, 53d	28
Sale of regulated by council, 50th	27
MEASURES:	
Inspection and sealing of provided for, 55th	28

Index—Continued.

	PAGE.
MEASURING:	
Brick, lumber, firewood, etc., provided for, 54th.....	28
MEETINGS:	
Of council, may be regulated by ordinance, 44	20
MEMORIAL HALL:	
In Chicago public library, 1094.....	353
MENDICANTS:	
Restraint and punishment provided for, 74.....	29
MESSAGES:	
To city council by mayor, 32	17
MILITIA:	
May be called out by mayor, 33	17
MILL RACES:	
Through or across streets authorized, 86th.....	30
MILLS:	
Location and construction of regulated by council, 88th	30
MINIMUM POPULATION:	
For city prescribed, 4.....	11
For village prescribed, 148.....	37
MINORITY REPRESENTATION:	
May be adopted by vote, 60.....	21
Method of electing aldermen, 238.....	80
MINORS:	
Owning property in improvement districts, 707.....	240
Restricted in dealings with junk stores, etc., 95th.....	21
Sale of liquors to, 48th	27
Sale of liquors to, prohibited—penalty, 753	257
MISCELLANEOUS PROVISIONS:	
Article X.....	45
MISCONDUCT OF OFFICERS, 34	17
MISDEMEANOR:	
Absence of election judge from polls, etc., 470.....	159
Breach of the peace at place of voting or registration, 466	157
Breaking seal of certain envelopes by election judge, 424.....	141
Certain offenses connected with voting, 353.....	153
Disobeying command of election judge, 465.....	157
Election clerk failing to perform duty as canvasses, 401	133
Electioneering by election officers, 471.....	159
Election judge accepting illegal or rejecting legal votes, 455.....	154
Falsifying poll list, 454.....	154
Fraud or misconduct of election officers, 458.....	155
Fraud in connection with registration of voters, 452.....	152
Illegal copying or use of election register, 426	142
Imprisonment for in lieu of fine, 475.....	160
Interference with election officer while on duty, 467.....	158
Mutilating or destroying election register, 422.....	141
Neglect of duty by precinct canvasser, 400	132
Not herein provided for, how punished, 465.....	157
Refusing police aid to canvasser, 399	121
Refusing to give information to clerks of election, 399.....	121
Registering voter or receiving vote by minority of judges, 469.....	159
Sending or taking liquors into polling place, 472.....	159
Violations of city election law, Article VI.....	152
Violations of civil service act, 342.....	106
MOBS AND RIOTS:	
Damages caused by—act concerning.....	305
Quelling riots—act concerning.....	307
See "Riots."	

Index—Continued.

	PAGE.
MONEY CHANGERS:	
Licensing and regulation of, §1st	30
MONEY FOR CORPORATE PURPOSES:	
Provision for borrowing, 5th	24
MONTHLY STATEMENTS:	
From municipal treasurer, 108.....	26
MORTALITY REPORTS:	
Furnished election commissioners, 384	120
MORTGAGE OF WATERWORKS:	
By municipality, §69.....	297
MUD LAKE VALLEY:	
Dam across authorized, 714.....	242
MUNICIPAL FUNDS:	
Monthly accounts of to be rendered by treasurer, 103.....	28
To be kept separate from personal funds, 104	29
MUNICIPAL INDEBTEDNESS:	
Constitutional limitation, 12.....	9
Not to be extinguished by special laws, 22.....	7
Private property not liable for, 10.....	8
MUNICIPALITIES:	
Judicial notice of organization, 6.....	11
Located in contiguous counties, 234.....	79
May transfer site, when, 218.....	75
Not to be incorporated by special acts, 22.....	7
Organization of—general law of 1873 concerning cities and villages	10
Subject to over-flow—act concerning	238
MUNICIPAL OFFICERS:	
Aldermen and trustees not to hold appointive office, 242.....	52
Continued in office after annexation, 200.....	70
Election of aldermen by minority plan, 238.....	80
Election of village president provided for, 236.....	50
Empowered to make arrests in certain cases, 272.....	30
Fees and commissions of, 242.....	81
Non-resident constables and policemen prohibited, 287	86
Not to be interested in contracts, penalty, 244.....	82
Salaries to be fixed by ordinance, 240	81
Shall aid civil service commission, 325.....	102
MUNICIPAL PROPERTY:	
Division when new town is formed, 180.....	60
Exempt from taxation—constitutional provision, 3.....	8
Exempt from taxation—statutory provision, 544	184
Proceedings in division of, 198	70
MUNICIPAL RECORDS:	
How certified, 894.....	200
MUNICIPAL YEAR:	
Definition of, 182.....	46
N	
NAME OF MUNICIPALITY:	
Change of provided for, 209.....	73
NAME AND STYLE:	
Of city, prescribed, 10.....	10
Of village prescribed, 141.....	28
NAMES OF PLACES:	
Not to be changed by special laws, 22.....	7
NAMING STREETS, ETC.:	
To be regulated by council, 23d.....	25

Index—Continued.

NAVIGABLE STREAM:	PAGE
Sanitary channel when completed, 740.....	263
NITRO-GLYCERINE:	
Storage of regulated by council, 65th.....	28
NOTICE:	
Application to erase name from register, 408.....	134
Assessments for local improvements, 597.....	201
Award of contract for local improvements, 654.....	220
Civil service examinations, 314.....	99
Defect in election notice no defense, etc., 473.....	159
Election for adoption of act of 1872 concerning cities, etc., 2.....	10
Election for adoption of city election law, 354.....	109
Election for adoption of civil service law, 347.....	107
Election for issuing municipal bonds, 491.....	165
Hearing petition for change of name, 212.....	74
Letting contracts for local improvements, 651.....	219
Local improvements ordered, 618.....	207
Petition to circuit court in annexation proceedings, 162.....	55
Sale of municipal property, 278.....	93
School election—form—time, etc., 790.....	266
School election for reorganization, 799.....	271
Special assessment, given by collector, 638.....	215
Special assessment for local improvements, 619.....	209
Time and place of registration of voters, 386.....	121
To judges and clerks of election of their appointment, 377.....	117
To land owners in local improvement proceedings, 596.....	201
To officers elected or appointed, 66.....	23
To persons registered whose right is questioned, 400.....	131
NUISANCES:	
Certain things declared nuisances, 1106.....	357
Dramahops violating provisions of act, 775.....	258
May be defined and abated by council, 75th.....	29
Punishment for maintaining—penalty, 1107.....	358
NUMBERING OF HOUSES AND LOTS:	
May be regulated by council, 22d.....	25
O	
OATHS:	
Administered by election judges, only, in certain cases, 431.....	144
Administration of by municipal officers, 85.....	36
In writing must have jurat of proper officer, 428.....	163
Of civil service commissioners, 308.....	98
Of judges and clerks of election—city election law, 381.....	120
Of municipal officers, 83.....	33
For applicant for registration, 1st.....	126
Prescribed for election commissioners, 371.....	115
OBJECTIONS:	
Hearing of in annexation proceedings, 163.....	56
Hearing of in local improvement proceedings, 553.....	196
OBSCENE PICTURES AND PUBLICATIONS:	
Prohibition of by city council, 45th.....	27
OFFENSES:	
At election in city, village or town—penalties, 453.....	153
At general registration of voters—penalties, 452.....	153
OFFENSIVE BUSINESS:	
Certain business declared a nuisance, 1106.....	357
Prohibition of by city council, 33d.....	30
OFFICERS:	
Appointments by mayor, 32.....	33
Election of in newly organized villages, 140.....	43
Excepted from classified civil service, 319.....	101
May be removed by mayor, 27.....	16
Must be notified within five days of election or appointment, 66.....	23
Must qualify within ten days after notice, 66.....	23
Municipal, compensation to be fixed by ordinance, 92, 93, 94.....	36
Municipal, mutual relations to be defined by ordinance, 71st.....	29

Index—Continued.

OFFICERS—Concluded.	PAGE
Municipal, not to be interested in contracts, 86.....	84
Municipal, powers and duties of, Article VI.....	83
Municipal, qualifications of, 85.....	84
Municipal, who are conservators of the peace, 91.....	85
Not to be removed a second time for same offense, 27.....	17
Oath and bond, 83.....	83
Of village—appointment of, 144.....	49
Powers and duties prescribed by ordinance, 82.....	83
Status of when towns are divided, 184.....	62
Subordinate—who may appoint, 117.....	43
Vacancies filled by mayor, 82.....	33
OHIO RIVER:	
Jurisdiction of municipalities bordering on, 232.....	79
OMNIBUS DRIVERS:	
Licensed and taxed by council, 42d.....	27
OPENING AND CLOSING OF POLLS:	
At municipal elections, generally, 349.....	197
Under city election law, 427.....	143
ORDERS OF CITY COURTS:	
Effect and enforcement of, 298.....	96
ORDINANCES:	
Approval and veto of, 247.....	63
Approval and veto of by mayor, 53.....	30
Authorizing local improvements, 579.....	194
Defining mutual relations of officers and employes, 71st.....	29
Duties of financial officers may be prescribed by ordinance, 41.....	115
Enforcement of in municipality located in two or more counties, 234.....	79
Enforcement on waters bordering municipalities, 233.....	79
For annexation of one municipality to another, 160.....	54
For annual appropriations, 97.....	37
For approval of maps and plats, 129.....	46
For control of improvement district, 708.....	241
For creating and discontinuing offices, 81.....	33
For disconnection of territory, 171.....	53
For election of aldermen by minority plan, 238.....	80
For outlet sewers, etc., 700.....	237
For reservoirs, pumping works, etc., 636.....	236
For sale of municipal property, 277.....	91
For sanitary district—publication of, 721.....	245
For tax levy, 119.....	43
How proved, 73.....	31
Manner of recording, 90.....	35
May be passed over mayor's veto, 54.....	30
May designate depository of municipal funds, 104.....	39
May fix commencement of fiscal year, 96.....	37
May fix compensation of mayor, 92.....	36
May prescribe duties of village officers, 144.....	49
May regulate regular and special meetings of council, 44.....	20
Of annexation to be filed in recorder's office, 167.....	57
Of prior organization to continue in force, 11.....	12
Passage of over mayor's veto, 248.....	62
Prescribing duties of financial officers, 115.....	41
Proceedings for violation of, 76.....	33
Restrictions on such as provide fines and penalties, 96th.....	31
Revision of after change of organization, 35.....	17
Shall be published within one month of passage, 72.....	31
Style of in villages, 143.....	49
Style of in cities, 71.....	31
To be adopted on yea and nay vote, 48.....	20
Veto by president of village, 142.....	49
ORGANIZATION OF MUNICIPALITIES:	
De facto towns may reorganize as villages, 157.....	53
City from new territory, 5.....	11
City from town or village, 4.....	11
City—reorganization under general law, 1, 2, 3.....	10
General law of 1872 for incorporation of cities and villages.....	10
Legalizing certain elections relating to organization.....	14, 15
Village from city, 150.....	50
Village from new territory, 138.....	47
Village from town, 134.....	46
Village from village, 151.....	51

Index—Continued.

OUTLET SEWERS:	PAGE
Acquisition of real estate for, 684	235
Apportionment of cost by commissioners, 697	237
Assessing and collecting cost of, 698	237
Assessment roll—making and return of, 698	237
Bonds for construction of, 701	238
Construction of by special assessment, 692	236
Petition—form of—filing, etc., 697	238
What ordinance may provide, 700	237
What ordinance shall contain, 695	235
OVENS:	
Construction of regulated by council, 68d	28
P	
PACKING HOUSES:	
Location and regulation of provided for, 81st	29
PARDONS:	
List of to be furnished by Governor, 883	120
PARENTAL OR TRUANT SCHOOLS:	
Act authorizing establishment of by school boards	285
Boards of education may establish, 856	287
Commitment of children to, 850	286
Duty of parent or guardian to inmates, 851	286
Establishment authorized, 845	286
Incorrigible inmates, 855	287
Parole reports—discharge, etc., 853	287
Reception and admission of children, 849	285
Religious training—restriction concerning, 848	286
Rules—release—parole, etc., 852	286
Sites—building—furniture—maintenance, 846	285
Superintendent—teachers—instruction, etc., 847	285
Violation of parole, 854	287
PARKS, BOULEVARDS AND DRIVEWAYS:	
Act concerning establishment of	260
Act concerning acquisition of land for park purposes	262
Act concerning control of existing parks	261
Act concerning pleasure driveways	260
Bonds for park purposes authorized, 775	262
Bonds for park purposes—payment of, 781	266
Bonds—issue—certification—endorsement—etc., 780	265
Bonds—purchase of by commissioners, 783	267
Bonds—to absorb sinking fund, 782	266
Borrowing money for park purposes, 765	260
Boulevard and park tax provided for, 781	266
Cities may acquire and maintain parks, 764	260
Corporate authorities may issue bonds, etc., 779	263
Lands acquired for park purposes, 775	262
May be established and controlled by council, 7th	24
Municipality may transfer control to park board, 778	262
Parks passing from control of commissioners, 772	262
Pleasure driveways—how established, 766	260
Power of commissioners as to existing parks, 770	261
Selling bonds, etc., 777	264
Sinking fund provided for, 781	266
Tax for interest on bonds, 778	264
PARTITION FENCES:	
Regulation of by council, 60th	
PARTY WALLS:	
Regulation of by council, 60th	28
PATROL WAGONS:	
Act requiring wagons to be closed or covered	336
Must conceal prisoners from public view, 1030	336
Unlawful to use without covers, 1031	336
PAUPERS:	
Not to be supported by municipalities, 544	184

Index—Continued.

PAWNBROKERS:	PAGE.
License and tax of by council, 41st.....	27
PAYMASTERS:	
To pay certified appointees only, 340.....	106
PEDDLERS:	
Licensed and taxed by council, 41st.....	27
Penalty for refusing to issue license, 1056.....	342
Soldiers and sailors to pay no fee for license, 1055.....	342
PENALTY:	
Absence of election judges from place of registration, 470.....	159
Absence of election judges from polls on election day, 428.....	142
Appointment of non-resident as special policemen, 268.....	86
Architects violation of lodging house act, 1021.....	323
Attempt of unpardoned felon to vote, 464.....	157
Breach of the peace at place of voting or registration, 466.....	157
Breaking seal of envelope by judge of election, 424.....	141
Bribery of municipal officers, 87.....	24
Changing specifications of contract, 896.....	300
Damage to waterworks, 882.....	296
Deception of voter by changing his ballot, etc., 463.....	156
Disobeying command of election judge, 465.....	157
Electioneering by election officers, 471.....	159
Exceeding statutory speed of railway trains, 1129.....	305
Excluding legal or accepting illegal votes, 455.....	145
Extortion of officers, 902.....	301
Failure of election clerk to perform duty as canvasser, 401.....	123
Failure of county clerk to perform certain duties, 354.....	110
Failure of landlord to file annual statement, 1027.....	325
Failure of officers to pursue felon, 911.....	304
Failure to act when summoned as deputy, 926.....	307
Failure to serve as election officer, 377.....	117
Failure to comply with orders of fire inspection, 267.....	89
Failure to issue license in certain cases, 1056.....	342
Failure to keep register of lodgers, 1026.....	324
Failure to plant corner stones, 224.....	77
Failure to pay insurance tax or license fee, 118.....	42
Failure to record plat of streets, alleys, etc., 229.....	78
False canvass of election returns, 456.....	155
False statement as to age of child, 824.....	279
False swearing in connection with election, 461.....	156
Falsifying poll list, 454.....	154
Fast driving on bridges controlled by municipality, 376.....	90
Fire inspectors neglect of duty, 267.....	89
Fraud or misconduct of election officers, 458.....	155
Fraudulent casting, removing or changing of ballot, 457.....	155
Fraudulent practices concerning registration, 463.....	153
Furnishing prisoners with liquor, 901.....	301
Illegal copying of election register, 426.....	142
Injury to ballot or ballot box, 468.....	156
Injury to poles and wires, 1117.....	362
Interference with election officers while on duty, 467.....	157
Intoxication of officers while on duty, 900.....	301
Landlord's violation of lodging house act, 1026.....	324
Maintaining a nuisance, 1107.....	353
Malfeasance of municipal officers, 595.....	239
May be imposed for enforcement of street labor ordinance, 309.....	86
Municipal officers engaging in city contracts, 245.....	82
Mutilating or destroying election register, 423.....	141
Neglect of duty by judge or clerk of election, 363.....	112
Neglect of duty by precinct canvasser, 400.....	122
Non-attendance at council meetings, 43.....	19
Obstructing officers or soldiers while quelling riots, 934.....	306
Obstructing public view of ballot box at polls, 429.....	142
Official misconduct, 34.....	17
Private detectives parading with arms, 935.....	306
Procuring liquor for minor or drunkard, 754.....	257
Provided by ordinance not to exceed \$200, 96th.....	31
Refusing information to precinct canvasser, 390.....	122
Refusing police aid to precinct canvassers, 399.....	131
Refusing to give information to precinct canvasser, 399.....	131
Registering a challenged applicant, 397.....	129
Registering voter or receiving vote by minority of judges, 469.....	159
Retaining excess of fees and commissions, 242.....	81
Retaining money by city collector, 110.....	40
Selling liquor in violation of act, 755.....	258
Selling liquor to minor, idiot, or drunkard, 756.....	257
Selling lots or blocks, without recording plat, 225.....	77

*Index—Concluded.***PENALTY—Concluded.**

Stealing, destroying or falsifying election document, 459.....	156
Stealing or mutilating returns of certain election, 364.....	113
Subornation of perjury in connection with elections, 462.....	156
Taking illegal fees, 904.....	302
Taking or sending liquor to registration or voting place, 472.....	169
Using uncovered patrol wagon, 1032.....	327
Violations of city election law, 453.....	153
Violations of civil service act, 342, 343.....	106
Violations of foreign fire insurance company act, 983.....	322
Violations of lodging house act, 1022.....	333
Violations of malt liquor license, 750.....	256
Violations of municipal ordinance, 76.....	32
Violations of plumbers act, 1039.....	339
Violations of public buildings act, 1100.....	366
Violations of sanitary district act, 737.....	250
Violations of truancy act, 822.....	278
Violations of vital statistics act, 1157.....	370
Withholding public funds, 906.....	302
Withholding records from successor, 907.....	303

PEORIA:

As related to sanitary channel, 743.....	253
--	-----

PERJURY:

In connection with elections, 461.....	156
--	-----

PETITION:

For acquiring new site, 219.....	76
For adoption of act of 1872 concerning cities and villages, 1.....	10
For adoption of city election law, 353.....	109
For adoption of civil service law, 346.....	106
For annexation of one municipality to another, 198.....	63
For annexing or excluding territory, 159.....	54
For annexing part or whole of municipality, 198.....	65
For changing city to village, 160.....	50
For changing name of municipality, 209.....	73
For disconnection of territory—circuit court, 166.....	73
For disconnection of territory—to city council, 170.....	57
For division of unincorporated town, 176.....	58
For elevated railroad, 1119.....	363
For laying pipes or planting poles, 833.....	298
For lease or purchase of waterworks, 878.....	298
For organization of city, 5.....	11
For organization of sanitary district, 717.....	243
For organization of village from part of another village, 161.....	51
For organization of village from new territory, 139.....	47
For organization of village from town, 134.....	46
For reservoirs, pumping stations, etc., 696.....	236
For street railway, 90th.....	30
For submission of question of issuing bonds, 491.....	165
For submission of question of public policy, 351.....	106
Priority of when more than one presented { 153.....	62
{ 177.....	60

PETROLEUM:

Storage of regulated by council, 65.....	28
--	----

PIG-STY:

Cleansing or removal of may be ordered by council, 84th.....	30
--	----

PLATS:

Certification—acknowledgment—record, 223.....	77
Failure to plant corner stones, 224.....	77
For new municipalities or additions, 221.....	76
Must be made by competent surveyor, 221.....	76
Of streets, alleys, etc., to be made and recorded, 229.....	78
Penalty for selling unplatted lots or blocks, 225.....	77
Provisions relating to municipalities.....	76
To be approved by council before record, 129.....	46
Vacation of, 226.....	77
Vacation of part only, 227.....	77

PLEASURE DRIVEWAYS:

Authority for construction of, 767.....	261
Establishment of by municipalities, 766.....	260
See Parks, Boulevards and Driveways.	

Index—Continued.

PLUMBERS:	PAGE
Act to provide for licensing	237
Board of examiners to issue certificates, 1024	237
Duty as to lodging houses, 1019	232
Examination—certificate—fee, 636	237
Examining board—appointment—compensation, 1035	237
Must hold certificate of examination, 1033	237
Penalty for violation of act, 1039	238
POLES AND WIRES:	
Consent of city and county authorities, 1118	363
Unlawful to injure—penalty, 1117	363
Within municipal limits, 1115	361
POLICE:	
Character of patrol wagon prescribed, 1090	236
Force for sanitary district authorized, 744	254
Regulation of by council, 66th	29
Shall aid precinct canvassers, 899	181
POLICE AND FIREMEN'S FUND:	
Act for relief of policemen and firemen in cities	210
Adoption of act—petition—election, etc., 943	210
Control of fund by board, 945	211
Creation of fund, 941	210
Death—disability—annuity, 948	212
Manner of paying out money, 950	212
Persons eligible to benefits, 949	212
Treasurer of fund, 946	212
Trustees of fund provided for, 944	211
Two per cent of dram shop licenses to be used, 942	210
Warrants on fund—how drawn, 947	212
POLICE DISTRICTS:	
Act defining	86
POLICEMEN:	
Powers and duties prescribed by council, 66th	29
Powers within police districts, 262	36
Powers within sanitary district, 744	254
Special not to be non-residents 267	28
Transfer provided for, 303	71
POLICE ORDINANCES:	
Enforcement of, by council, 66th	28
POLICE MAGISTRATES:	
Certain acts of legalized, 255	85
Appeals from to city court, 236	95
Election in villages—term—bond, etc., 148	50
Election—term of office—jurisdiction, etc., 251	84
Jurisdiction after annexation of municipality, 201	70
Jurisdiction and duties not subject to special laws, 23	7
Jurisdiction and location of office in certain municipalities, 253	84
Jurisdiction in village suits, 147	50
When towns are divided, 184	62
POLICE MATRONS:	
Appointment of provided for, 259	86
Salary of, 260	86
POLICE PENSION FUND:	
Act authorizing creation of	212
Beneficiaries under prior acts, 963	217
Board of commissioners provided for, 963	214
Certificate of disability, 966	215
Creation of fund provided for, 962	212
Death while on duty, 967	215
Meeting of board—certificate—record—list—quorum, etc., 960	216
Pension forfeited by crime, etc., 969	216
Pensioners to report to chief, etc., 968	216
Persons eligible to benefits, 964	214
Physical disability, etc., 965	215
Powers of board enumerated, 961	216
Treasurer's report to board, 962	217

Index—Continued.

POLITICAL CONTRIBUTIONS AND ASSESSMENTS:	PAGE
Prohibited by civil service law, 329, 330.....	104
POLITICAL PARTIES:	
May designate challengers, 433.....	144
POLL BOOK:	
Form of—how kept, 430.....	143
Removal of from ballot box, 444.....	150
To be placed in ballot box after canvass, 443.....	149
To be supplied by election commissioners, 373.....	115
POLL CLERK:	
Penalty for false poll list, 454.....	154
POLLING PLACES:	
To be provided by election commissioners, 382.....	120
POLL LISTS:	
How kept, 64.....	23
Penalty for falsifying, 454.....	154
POLLS:	
Opening and closing of at municipal elections, 349.....	107
Opening and closing of under city election law, 427.....	143
PONDS:	
Filling and draining of by council, 40th.....	26
POPULATION OF MUNICIPALITIES:	
Determined by latest census, 131.....	46
Secretary of State shall certify, 131.....	46
POSSE COMITATUS:	
Who may be summoned, 913.....	394
POULTRY:	
Inspection of provided for, 53d.....	26
Sale of regulated by council, 50th.....	27
POWERS AND DUTIES:	
Of mayor and council concerning approval of ordinances, 247.....	33
Of municipal officers, article VI.....	33
Of municipal officers, in police districts, 263.....	36
Of police force prescribed by council, 68th.....	29
Of the city council, article V.....	24
PRECINCTS:	
Establishment and re-arrangement of by election commissioners, 574.....	116
PRESIDENT OF VILLAGE BOARD:	
Election provided for, 236.....	30
His maximum salary, 143.....	49
PRIVATE DETECTIONS:	
Not to parade with arms—penalty, 935.....	308
PRIVATE PROPERTY:	
Not liable for municipal indebtedness, 10.....	8
Taken or damaged for local improvement, 599.....	195
PROCEEDINGS:	
For enforcement of ordinance, 76.....	33
To take land not delayed by annexation, 193.....	69
PROCESS:	
May be served by sheriff or constable, 78.....	33
PROHIBITION:	
Of liquor trade by council, 46th.....	27

Index—Continued.

PROMOTIONS:	PAGE
In classified civil service, 316.....	109
PROOF OF ORDINANCES:	
Publication—certificate—seal, etc., 73.....	32
PROPOSITIONS SUBMITTED:	
Act relating to questions of public policy, 351.....	108
Protected by election laws the same as candidates, 474.....	100
PROVISIONS:	
Inspection of provided for, 53d.....	28
Sale of regulated by council, 50th.....	27
PROSTITUTES:	
Ordinances may be enforced against, 223.....	79
Restraint and punishment provided for, 74th.....	29
PUBLICATION:	
By State treasurer statement concerning bonds, 519.....	176
Of annual report of school board, 18th.....	270
Of names of election officers, 390.....	118
Of order for change of name of municipality, 314.....	74
Of ordinance for construction of sidewalks, 676.....	229
Of ordinance for local improvements, 596.....	197
Of register of voters, 416.....	129
Of registration list by election commissioners, 402.....	122
Of rules of civil service commission, 312.....	90
Of treasurer's annual report, 106.....	39
PUBLIC BUILDINGS:	
Act regulating means of egress.....	355
Damages to by cyclones—repairs, etc., 571.....	191
Doors to open outward, 1089.....	355
Erection and care of by council, 96th.....	30
Exempt from taxation, 545.....	184
Not conforming to act may be closed, 1101.....	355
Penalty for violation of act, 1100.....	355
PUBLIC ENGINEER:	
Ordinance may provide for, 578.....	198
PUBLIC GROUNDS:	
Established and controled by council, 7th.....	24
Exempt from taxation, 545.....	184
Not to be vacated by special laws, 22.....	7
PUBLIC HOSPITALS:	
Act authorizing establishment of.....	230
<i>See "Hospitals, Public."</i>	
PUBLIC MONEYS:	
Constitutional provision concerning, 23.....	7
PUBLIC POLICY:	
Questions to be submitted to vote, 351.....	108
PUBLIC PROPERTY:	
Conveyance of to school authorities, 378.....	90
Proceedings for sale of, 378.....	92
Sale of when not needed for municipal purposes, 277.....	91
PUMPING STATION:	
Lands granted to city of Chicago, 1063.....	241
PUMPING WORKS:	
Construction of by municipalities, 697.....	234
Construction of for drainage purposes, 692.....	235
PUMPS:	
Construction and regulation of by council, 57th.....	28
Construction of by city council, 125.....	45

Index—Continued.

PUNISHMENT:	PAGE
For violation of ordinance, 76.....	32
See "Penalty."	
PURSUIT OF FELON:	
Duty of officers, 912.....	304
Violation of act by officers—penalty, 911.....	304
PYROTECHNIC DISPLAYS:	
Regulation of by council, 68th.....	26
Q	
QUALIFICATIONS:	
Of aldermen, 40.....	19
Of judge or juror in municipal litigation, 130.....	46
Of judge and clerk of election, 376.....	116
Of municipal officers, 86.....	34
Of voters at municipal elections, 57.....	31
Of voters under city election law, 394.....	123
QUARANTINE:	
Municipal jurisdiction over, 51.....	30
QUARRELLING:	
Prevention of by council, 59th.....	26
QUORUM:	
May be secured by special election, 67.....	23
Majority of council constitutes, 43.....	19
R	
RAILROAD AID BONDS:	
Act of 1877 concerning.....	163
Act of 1893 concerning limitation of liability.....	177
Act of 1874 concerning registered bonds.....	176
Not to be issued after September 1, 1893.....	177
Not to be registered till completion of road, 508.....	173
Registration of by county clerk, 501.....	171
RAILROADS:	
Certain cities to be represented on board of directors, 507.....	173
Consent must precede grant of right-of-way, 90th.....	30
Construction of streets over or under tracks, 89th.....	30
Crossings under control of council, 35th.....	25
Debts—act for payment of.....	169
May be required to fence tracks, etc., 26th.....	25
Shall aid improvement district, 706.....	240
Speed within municipalities—damages—penalty, 1129.....	365
Taxes on increased value to be paid into State treasury, 500.....	169
To maintain drains, ditches, culverts, etc., 37th.....	26
Tracks to be raised or lowered by order of council, 37th.....	26
RATE OF INTEREST:	
On warrants, jurors certificates, etc., 537.....	182
RATE OF TAXATION:	
For municipal purposes, 540.....	183
Limitation on, 119.....	43
RATES OF WHARFAGE:	
To be regulated by council, 36th.....	26
REAL ESTATE:	
Acquisition of for waterworks, 126.....	45
Certain titles confirmed, 256.....	85
Conveyances by municipalities, 373.....	90
Conveyances by municipalities under special charter, 280.....	92
Conveyances by school board, 797.....	271
Conveyances when not needed for public use, 377.....	91
Trustees under special charter, 376.....	91

Index—Continued.

REBATES:	PAGE
Declared and paid on special assessments, 668.....	226
Of taxes when property is destroyed, 556.....	186
RECEIPTS:	
Shall be given by treasurer and copies kept, 102.....	33
RECOGNIZANCES:	
Made returnable to city court, 296.....	96
RECONSIDERATION OF VOTE:	
Not allowable at special meeting, 49.....	29
RECORD OF BONDS:	
How it shall be kept, 114.....	41
RECORD OF ORDINANCES:	
How made, 90.....	86
RECORDER OF DEEDS:	
Cancelation of record of plat, 228.....	78
Duty concerning certain prosecutions, 231.....	79
Shall forward transcript to Secretary of State, 13.....	13
Shall record town plat, 222.....	77
Shall record vacation of town plat, 226.....	77
RECORDS:	
May be examined by Mayor, 31.....	17
Search warrants may issue for, 908.....	308
Withholding from successor—penalty, 907.....	308
REFUNDING SURPLUS FUNDS:	
Act concerning.....	179, 189
Resolution by corporate authorities, 528.....	179
REGISTRATION OF BONDS:	
By Auditor of Public Accounts, 402.....	166
By county clerk, 501.....	171
Of matured bonds with Auditor, 496.....	168
REGISTRATION OF VOTERS:	
See "City Election Laws."	
REGRATING:	
Prevention and punishment of, 51st.....	27
RELEASE OF PRISONERS:	
By mayor—report—cause, etc., 29.....	17
RELIGIOUS INSTRUCTION:	
In parental or truant schools, 948.....	296
REMOVAL:	
From city vacates office of mayor, 25.....	16
From office for official misconduct, 34.....	17
From office in civil service, 320.....	161
Of officers by mayor, 27.....	16
RENDERIES:	
Location and regulation of by council, 51st.....	29
REPORTS:	
Annual, by civil service commissioners to mayor, 323.....	108
Annual, by treasurer to city council, 106.....	39
Annual estimates of city comptroller to council, 112.....	40
Board of local improvements to city council, 282.....	98
City collector to council, 189.....	40
Fire inspectors to State's attorney, etc., 265.....	87
Of births and deaths—act concerning.....	268
Of committees deferred on request, 50.....	20
Of commissioners of police pension fund to council, 978.....	322
Of damages and benefits in local improvement proceedings, 590.....	198
Of delinquent assessments by collector, 640.....	215

Index—Continued.

REPORTS—Concluded.	PAGE
Of insurance agents to taxing officers, 575.....	192
Of lodging house keepers to election commissioners, 391, 392.....	122
Of names of convicts to election commissioners, 383.....	120
Of pardons to election commissioners, 383.....	120
Of pensioners to chief of police, 316.....	958
Of school board to city council, 11th.....	274
Of school board for publication, 18th.....	270
Of special taxes by city clerk, 678.....	230
Of treasurer of police pension fund to board, 994.....	327
To city council by hospital board, 1014.....	332
To civil service commission by appointing power, 321.....	101
To county clerk by landlord, 1027.....	335
RESERVOIRS:	
Construction of by council, 125.....	45
Construction of for sewerage purposes, 692.....	234
RESOLUTIONS:	
By corporate authority for refunding surplus, 532.....	180
For creation of a sinking fund for municipalities, 534.....	178
For refunding surplus, 528.....	179
RESTORATION TAX:	
For repair of public buildings damaged by cyclones, etc., 572.....	191
To be kept separate from other funds, 573.....	191
RETURN OF CANVASS:	
To whom addressed—contents—certificate, etc., 441.....	148
REVENUE :	
Constitutional provisions concerning, Article IX.....	8
See "Finance" and "Taxation."	
REVENUE LAWS:	
To apply in delinquent assessment cases, 679.....	230
REVISING ORDINANCES:	
After change of organisation, 35.....	17
RIGHT OF WAY:	
Acquisition of by sanitary district, 732.....	249
Acquisition of for outlet sewers, etc., 649.....	236
RIGHTS:	
Of municipality not affected by change of organisation, 12.....	13
Reserved in conveyance of real estate, 274.....	91
Saved in transfer of site, 218.....	75
Saved when name is changed, 215.....	75
RIOTS:	
Act concerning damages occasioned by.....	305
Act concerning the quelling of.....	307
Deputies may be summoned, 926.....	307
Duty of Adjutant General, 933.....	308
Duty of Governor, 932.....	308
Duty of mayor in suppression of, 32.....	17
Military force subject to civil officer, 361.....	308
Pay of deputies, 929.....	307
Penalty for obstructing officers or soldiers, 934.....	308
Prevention and suppression of by council, 72d.....	29
Sheriff may arm deputies, 927.....	307
Sheriff may make requisition for arms, 925.....	307
Sheriff's powers not abridged by act, 906.....	308
Sheriff to notify Governor, 930.....	307
Suppression of in police district, 262.....	86
RIVERS:	
Jurisdiction of municipality on waters of, 223.....	79
ROADS:	
Municipalities excluded from road districts, 1110.....	360
Not to be vacated by special laws, 22.....	7
Toll roads within municipalities, 1112.....	361

ROADS AND BRIDGES:

Built jointly by county and municipality, 561.....	188
--	-----

ROMAN CANDLES:

Regulation of use of, 65th.....	28
---------------------------------	----

RULES:

Of civil service commission, 311.....	39
Of proceedings to be determined by council, 43.....	19

RUNNERS:

For hotels, cars, etc., licensed and taxed by council, 43d.....	27
---	----

S**SALARIES:**

And expenses of civil service commissioners, 326.....	103
Board of election commissioners, 478.....	161
Clerk of election commissioners, 478.....	161
Mayor, to be fixed by ordinance, 92.....	36
Municipal officers to be fixed by ordinance, 240.....	81
Not to be increased or dismissed during term of office, 11.....	8
Police matrons to be fixed by council, 240.....	86
President of village board to be fixed by ordinance, 143.....	49
Superintendent of house of correction, 1072.....	246
To be paid to certified appointees only, 339, 340.....	105
Trustees of sanitary district, 723.....	245

SALE:

Of city or school property by council, 48.....	30
--	----

SANITARY DISTRICT:

Acquisition of land authorized, 754.....	254
Acquisition of right-of-way, 738.....	249
Act authorizing creation of.....	243
Act to extend powers of.....	254
Assessments—installments—interest, etc., 730.....	248
Attorney general—duties of, 737.....	250
Bonds—issue—payments, etc., 731.....	248
Capacity of channel, 736.....	250
Channel—construction—capacity, etc., 739.....	251
Channel declared a navigable stream, 740.....	252
Collection of direct annual tax, 726.....	246
Collection of taxes—movable bridges—trustees, etc., 729.....	247
Commission to inspect work, 743.....	253
Condemnation of private property, 723.....	242
Construction of bridges, etc., 745.....	254
Construction of drains, docks, water power, etc., 723.....	245
Emergency tax provided for, 737.....	251
Failure to comply with act—penalty, 737.....	250
How incorporated, 717.....	243
Inspection of completed channel, 743.....	253
Joint water works—provision concerning, 742.....	253
Judicial notice—election, etc., 718.....	244
Letting of contracts, 737.....	246
Liability for damages, 735.....	249
May borrow money, etc., 726.....	246
Net earnings—how applied, 726.....	246
Not to employ aliens on works, 737.....	246
Ordinances as evidence, 722.....	245
Ordinances to be published, 723.....	245
Outlying territory may use channel, 741.....	253
Penalty for violation of act, 737.....	250
Police powers conferred on Chicago district, 744.....	254
Powers, duties, salary, etc., of trustees, 720.....	244
Purchase and sale of real estate, 734.....	246
Salary of inspectors of completed channel, 743.....	254
Special assessment for damages to property, 734.....	249
Special assessment—general tax, etc., 729.....	247
State may alter, amend or repeal act, 723.....	251
Trustees—election—organization—powers—salary, etc., 719, 720.....	244

SCALES, PUBLIC:

Licensing and regulation of by council, 91st.....	30
---	----

Index—Continued.

SCHOOLS:	PAGE
Act concerning appointment of directors	277
Act concerning inspectors	280, 281
Act concerning kindergartens	283
Act concerning manual training departments	284
Act concerning school boards in certain districts	283
Act concerning truancy	278, 286
Annual report of board, 18th	270
Apportionment of pupils by board, 18th	270
Board of education in cities exceeding 100,000 population, 801	272
Board of education in lieu of directors, 798	268
Compulsory attendance, 831	278
Construction of general school law, etc., 816	276
Conveyance of real estate by board, 797	271
Conveyance of real estate for school purposes, 278	90
Directors appointed from members of common council, 818	277
Discipline and instruction regulated by board, 10th	270
Districts in annexed or excluded territory, 168	57
Districts not affected by divisions of towns, 185	62
Division of district by board, 8th	270
Duties of president of school board, 799	268
Election—failure to give notice of, 791	269
Election—laws governing, 792	269
Election of president of board, 797	268
Examination of teachers by board, 3d	269
Examination of teachers by school boards, 812	275
Expulsion of pupils by board, 11th	270
Establishment and maintenance of, 1st	269
Failure to notice election—effect of, 791	269
Fines and forfeitures to county superintendents, 815	276
Fines recovered under truancy act, 836	279
First election of school board, 798	279
Fuel, etc., to be provided by board, 16th	270
Funds subject to order of board, 798	271
Gradation of by school board, 4th	269
Houses and grounds under care of board, 15th	270
In certain cities under special charters	281
Inspectors to control school fund in certain cities, 828	280
Inspectors to perform certain duties enumerated, 827	280
Inspectors—their number increased in certain districts, 861	281
Kindergartens may be established by school boards, 840	282
Municipality a part of school township, 785	267
Notice of election—form, etc., 790	268
Organization of <i>ex officio</i> board of education, 819	277
Organization under general school law, 800	271
Penalty for false statement concerning truant, 834	279
Penalty for non-attendance, 832	278
Powers and duties of school inspectors, 827	280
Powers of board of education enumerated, 794	269
Records of proceedings of school inspectors, 829	280
Repairing and refurnishing school houses, 3d	269
Rules may be prescribed by board, 16th	270
Secretary to record proceedings of board, 17th	270
Sites—conveyances of by certain municipalities, 280	82
Sites—purchase or lease by board, 5th	269
Special law may be abandoned by vote, 799	271
Superintendent—employment of by board, 7th	270
Tax levy by school board, 6th	269
Tax levy in certain cities, 834	281
Teachers—dismissal and removal of, 12th	270
Truant officer—appointment—duties, etc., 828	278
Truant or parental schools—act authorizing	286
Visitation by board, 9th	270
Within municipalities—act concerning	267
SCRATCHED TICKETS:	
How canvassed, 436	147
SEAL:	
For city court, 285	98
Municipal, provision concerning, 499	169
SEALING OF WEIGHTS AND MEASURES:	
Council to provide for, 55th	23
SEARCH WARRANT:	
Execution of process, 908	308
May issue for records, 908	308
Remedy of party injured by, 910	304

Index—Continued.

SECOND-HAND STORES:	PAGE
Licensed and regulated by council, 95th.....	81
SECRETARY OF STATE:	
Duties in proceedings for change of name, 210, 211.....	74
Shall certify population of municipalities, 131.....	46
Shall file order of county court concerning city election law, 362.....	113
Shall file transcript of record and issue charter, 13.....	13
Shall keep list of all municipalities of the State, 211.....	74
SEPARATE BALLOT:	
Required for propositions submitted, 352.....	108
SEWERS:	
Building may continue after annexation, 205.....	72
Cleansing of provided for, 64th.....	30
Construction and regulation of by council, 57th.....	28
Joint system of for contiguous municipalities, 690.....	234
May be constructed by council, 29th.....	28
Taxation for maintenance of, 562.....	198
Use of where towns are divided, 183.....	62
To be maintained by railroads, 27th.....	28
SHAVING WARRANTS:	
Penalty for, 903.....	301
SHEEP:	
Running at large regulated by council 80th.....	29
SHERIFF:	
Duties in connection with city courts, 291.....	94
May serve process, 78.....	22
Powers of may be exercised by mayor within city limits, 296.....	95
Shall have custody of city prisoners, 296.....	95
SHIFTS:	
To evade provisions of dram shop act, 761.....	259
SHOWS:	
License and tax of by council, 41st.....	27
SIDEWALKS:	
Act concerning construction of by special assessments.....	228
And structures under them controlled by council, 14th.....	25
Built or renewed by owner of frontage, 609.....	206
Certain act concerning not repealed, 674.....	228
Collection of tax for construction of, 677.....	229
Construction of by city, 676.....	229
Construction of by owner of frontage, 680.....	221
Construction of by special assessment—act concerning.....	228
Default of lot owners to construct, 677.....	229
General revenue laws apply to delinquent sales, 679.....	230
In unincorporated towns, 1111.....	360
In whole or in part by special taxation, 675.....	228
Judgments against delinquent lots, 679.....	230
Ordinance for construction of, 676.....	229
Owners of frontage may be required to build, 676.....	229
Sale of lots for delinquent assessments, 678.....	230
To be established and controlled by council, 7th.....	24
SINKING FUND:	
For local indebtedness—act concerning.....	178
Investment of by State treasurer, 528.....	179
May be created by resolution of council, 524.....	178
Provided for park purposes, 782.....	206
SITE, MUNICIPAL:	
May be acquired by gift or purchase, 220.....	76
Petition for change of, 219.....	76
Transfer of, provided for, 218.....	75
SKY ROCKETS:	
Regulation of use of by council, 65th.....	28

Index—Continued.

SOAP FACTORIES:	PAGE
Location and regulation of by council, 81st.....	29
Location or removal of provided for, 84th.....	30
SOLDIERS AND SAILORS:	
License to peddle granted without fee, 1055.....	342
Preferred in classified civil service, 818.....	101
SOLDIERS' HOME:	
Authorized to sell interest in Dearborn park.....	352
SPECIAL ASSESSMENTS:	
Act concerning payments by installments	232
Apportionment—method of, 698	231
Collector's notice of, 693	214
Constitutional provision concerning, 9	8
For construction of sidewalks.....	228
For drainage purposes, 698.....	234
For dykes, levees, etc., 702.....	239
For local improvements, Article IX.....	44
For local improvements—general act in lieu of Article IX.....	193
For outlet sewers, reservoirs, etc., 692	236
For sewers or drains, after annexation, 206.....	72
For waterworks, 661.....	289
Funds shall be kept separate, 107.....	39
In improvement districts, 704.....	239
In sanitary districts, 729	247
Petition to pay by installments, 696	232
Proceedings for making, 611.....	206
Rebates on—how paid, 699.....	236
Separate account for each assessment, 648	218
See "Local Improvements".	
SPECIAL CHARTERS:	
For municipalities prohibited, 22.....	7
Municipalities under may convey real estate, 280.....	92
SPECIAL ELECTIONS:	
May be ordered for various purposes, 68	24
Revision of register for, 419	140
To fill vacancy in council, 67.....	23
SPECIAL LEGISLATION:	
Constitutional prohibition of, 22	7
SPECIAL MEETINGS:	
How called, 52.....	20
May be prescribed by ordinance, 44	20
May not reconsider vote, 49.....	20
SPECIAL TAX:	
For local improvements, 610	206
See "Special Assessments."	
SPEED OF HORSES:	
May be regulated by council, 21st.....	26
SPLIT TICKETS:	
How canvassed, 496.....	147
STABLES:	
Location or removal provided for, 84th	30
STATE:	
Assumes no liability for payment of municipal bonds, 496.....	167
STATE BOARD OF HEALTH:	
To supervise and inspect lodging houses, 1024.....	324
To supervise reports of births and deaths, 1146, 1147.....	268
STATE'S ATTORNEYS:	
Duties under vital statistics act, 1158	371
Fees for services in city courts, 291	94
May prosecute violations of civil service act, 344.....	106
Report of fire inspectors to, 365.....	87

Index—Continued.

STATIONERY:	PAGE
To be furnished by contract with lowest bidder, 94th	31
STATE TAXES:	
Refunding of to municipalities, 500	169
STATE TREASURER:	
Duties concerning certain bonds, 518	179
To refund surplus to municipalities, 537	179
To refund surplus when debt is paid, 530	180
STEAM BOILERS:	
Act concerning licenses to those in charge of	236
Council may provide for inspection of, 67th	29
License for those in charge of, 1028	236
STREET COMMISSIONER:	
Appointment of in villages, 144	49
STREET RAILROADS:	
Act in regard to	363
Consent of land owners must precede grant, 90th	30
Constitutional provision concerning, 4	9
Control of streets—police power, 1125	364
Eminent domain, 1123	363
"Horse and Dummy act" referred to, 70	31
Location—consent—notice—damages—1124, 1125	364
Payment for property taken, 1123	363
STRETES AND ALLEYS:	
Continuation of improvement after annexation, 195	69
Continuation of improvement after division, 153	61
Erection of poles and wires, 1116	363
Extension across or under railway tracks, 89th	30
Held in corporate name, 223	77
Improvements to continue after annexation, 195	69
Labor on may be provided for by ordinance, 79	32
Labor on may be regulated by ordinance, 368	36
May be established and maintained by council, 7th	24
May be named by council, 23d	25
Not to be vacated by special laws, 23	7
Rights of owners adjoining same, 1114	361
Shall be shown in plat, 231	75
Use of by elevated railroads, 1119	363
Vacation of—vote required—damages, 1112	361
SUBORNATION OF PERJURY:	
In connection with elections, 463	156
SUITS:	
Against dram shop keeper for damages, 757	363
Concerning municipalities not wholly in one county, 235	30
For violations of ordinances, 940	369
How brought by village, 147	50
May be brought by any taxpayer in name of city, 123	45
On bond of dram shop keeper, 753	367
Prosecution and defense of, in annexation proceedings, 192	67
To be brought in corporate name of municipality, 74	32
SUMMONS:	
For violation of ordinances, 76	32
SUPERINTENDENT OF POLICE:	
Powers and duties prescribed by council, 66th	29
SUPERINTENDENT OF SEWERS:	
Appointment of, 577	193
SUPERINTENDENT OF SPECIAL ASSESSMENTS:	
Appointment of, 577	193
SUPERINTENDENT OF STREETS:	
Appointment of, 577	193

Index—Continued.

	PAGE
SUPERIOR COURT:	
Judge of may preside over city court, 289	94
SUPPLIES:	
To be furnished on contract with lowest bidder, 94th	81
SUPREME COURT:	
Appeal to in registration proceedings, 406	186
SURPLUS FUNDS:	
Acts for refunding of	179, 180
Investment in U. S. bonds, 521	177
May be used to purchase certain bonds, 518	176
To be equitably apportioned, 530	188
Use of to purchase bonds, 530	176
SURVEY:	
Of improvement district by corporate authorities, 703	239
Of municipal plats, 231	76
Surveyor shall certify and acknowledge plat, 232	77
STYLE OF ORDINANCE:	
Prescribed, 71	81
SWINE:	
Running at large regulated by council, 80th	29
T	
TALLOW CHANDLERIES:	
Location and regulation of, 81st	29
TALLY SHEETS:	
See "City Election Law."	
TANNERIES:	
Location and regulation of by council, 81st	29
Location or removal of provided for, 84th	30
TAR, PITCH, ETC.:	
Storage of regulated by council, 65th	28
TAVERN:	
Must file statement with election commissioners, 391	123
TAXATION:	
Act concerning damage done by cyclones, tornados, etc.	191
Act concerning levee taxes	189
Act concerning purchase of bridges by municipality	190
Act concerning rate of	188
Act concerning sewerage, water and light systems	188
Act concerning special assessments for local improvements	188
Act concerning surplus funds	188
Act concerning taxation of insurance companies	182
Assessment and collection of taxes, Article VIII	43
Assessment and collection of taxes, 530	182
Certain levies legalised, 541	182
Certificate to county clerk of amount required, 543	182
Destruction of assessment roll or collector's books, 555	198
Exemptions from taxation, 545	184
General tax for local improvement, 124	44
Levies for particular purposes, 123	44
Levy for school purposes, 6th	208
Levy in consolidated municipalities, 190	66
Levy made before annexation, 194	66
Levy not to be interfered with by annexation, 191	67
Levy to secure water supply, 867	290
Levy when towns are divided, 181	61
Manner of collecting taxes, 120	44
Municipal property exempt from, 545	184
Must be uniform, 123	44
Of auctioneers, distillers, brewers, brokers, stables, scales, etc., 91st	30
Of dogs provided for, 80th	29
Of insurance companies authorized, 115	42
Of itinerant merchants, etc., 250	88

Index—Continued.

TAXATION—<i>Concluded.</i>	PAGE
Of junk dealers and second-hand stores provided for, 96th.....	31
Ordinance for tax levy, 119.....	43
Payment of taxes by collector to treasurer, 121.....	44
Provisions concerning collectors, 546.....	184
Rate of—act concerning.....	188
Rate limited to 2 per cent, 119.....	43
Rebate and reduction of taxes—act concerning.....	186
Rebate of taxes when property has been destroyed, 556.....	186
Refunding illegal taxes—act concerning.....	187
Restoration tax provided for.....	191
Special for local improvements, 576.....	188
Special for local improvements, 610.....	205
Sundry acts concerning.....	182
Taxes illegally assessed may be refunded, 559.....	187
Taxes may be levied and collected by council, 3d.....	24
Uniformity required, 544.....	184
See "Revenue," "Assessments," "Local Improvements."	
TEACHERS' EXAMINATIONS:	
By school boards in certain cities, 813.....	275
TELEGRAPHS AND TELEPHONES:	
Erection of poles, etc.—consent necessary, 1118.....	262
Injury to poles and wires—penalty 1117.....	262
Poles for private lines, 1115.....	261
Poles in streets, 1116.....	263
TEMPORARY APPOINTMENTS:	
To classified civil service, 317.....	109
TEN-PIN ALLEY:	
License and taxation of, 44.....	27
TERM OF OFFICE:	
Of aldermen, 28.....	19
Of first officers, 9.....	12
Of mayor, 21.....	18
THEATRICALS:	
License and taxation of by council, 41st.....	27
TIE VOTE:	
How decided under city election law, 449.....	151
In election for municipal officers, 65.....	23
May be decided by mayor, 26.....	18
TIME AND PLACE OF COUNCIL MEETINGS:	
May be prescribed by ordinance, 44.....	20
TITLES VALIDATED:	
By statute legalising acts of certain magistrates, 255.....	85
TOBACCO:	
Inspection of provided for, 53d.....	28
TOLL BRIDGES:	
Licensing and regulation of by council, 87th.....	30
TOLL ROADS:	
Within municipalities—location—consent—etc., 1112.....	261
TORPEDOES:	
Regulation of the use of, 65th.....	28
TOW BOATS:	
Control of by council, 38th.....	26
TOWN PLATS:	
Making—filing—recording—vacating—etc.....	76, 77
Not to be vacated by special acts, 22.....	7

Index—Continued.

TOWNS:	PAGE
May adopt city election law, 366.....	113
May become cities by petition and election, 4.....	11
May re-organise as villages, 124.....	46
TOWNSHIP ORGANIZATION:	
City deemed to be a town, when, 1123.....	366
Election of officers, 1123.....	366
Exception as to cities and villages, 1120.....	365
Number of justices, etc.....	366
Powers exercised by city council, 1124.....	366
Territory of city may re-organise as town, 1121.....	366
Vacancies in town offices, 1127.....	366
What ordinances may provide, 1125.....	366
TOWNSHIPS WHOLLY WITHIN CITIES:	
Act relating to cities of more than 50,000.....	366
Act applies to new township, 1141.....	367
Adoption of act—petition—election, 1142.....	367
City clerk and county treasurer ex officio officers, 1142.....	367
Highway commissioner—office abolished, 1140.....	367
Notice—submission—proclamation, etc., 1144.....	367
Officers of such townships, 1139.....	367
Vested powers to be exercised by, 1126.....	366
TRAFFIC ON STREETS:	
May be regulated by council, 20th.....	25
TRANSIENT VENDERS:	
Licenses and taxation of, 250.....	83
TREASURER:	
Bond must equal estimated tax and assessments, 83.....	34
Duty as to certain levee taxes, 568.....	190
Compensation of to be fixed by ordinance, 94.....	32
Election of, 80.....	32
Oath—bond, etc., 83.....	32
Shall deposit funds in place designated by ordinance, 104.....	32
Shall give receipts and file copies thereof, 103.....	32
Shall keep books as prescribed by ordinance, 100.....	32
Shall keep municipal funds separate from his own, 104.....	32
Shall keep separate account with each fund or appropriation, 101.....	32
Shall pay salaries to certified appointees only, 240.....	105
Shall receive all fines and license fees, 75.....	32
Shall render monthly statements to council, 102.....	32
TREES:	
May be planted by council, 8th.....	24
TRIAL BOARD:	
Salary of members, etc., 236.....	102
TRUANCY FROM SCHOOLS:	
Act concerning.....	278
Act concerning truant or parental schools.....	236
TRUSTEES:	
Election of in villages, 145.....	49
Number—election—organisation—powers—duties, etc., 141.....	43
TUG BOATS:	
License and regulation of, 25th.....	26
TUNNELS:	
Construction and maintenance of, 23th.....	26
TURPENTINE:	
Storage of regulated by council, 65th.....	23
U	
UNIFORMITY OF TAXATION:	
Act to restore uniformity in taxation, etc., 544.....	184
Exception as to local improvements, 123.....	44

Index—Continued.

UNITED STATES:	PAGE
Convicts admitted to houses of correction, 1070.....	246
To control sanitary channel for purposes of navigation, 740.....	263
V	
VACANCIES:	
Elections for filling in villages, 146.....	69
Filled by mayor, 82.....	33
In council—how filled, 67.....	23
In council—to be filled by election, 39.....	19
In office of clerk of city court, 230.....	94
In office of civil service commission, 309.....	95
In office of election commissioner, 369.....	114
Judge of city court, 238.....	94
Judge or clerk of election—city election law, 380.....	113
Mayor's office, 23, 23, 25.....	15
On board of registration—city election law, 423.....	141
VACATION:	
Of plats, 236.....	77
Of roads, streets, alleys, etc., by private laws, 23.....	7
Of streets, alleys and highways, 1113.....	361
VAGABONDS:	
Punishment of—arrest, proceedings, etc., 1109.....	359
Restraint and punishment of, 74th.....	29
The term defined, 1108.....	363
VAULTS:	
Construction and regulation of, 57th.....	23
VEGETABLES:	
Inspection of, provided for, 53d.....	25
Sale of, regulated by council, 50th.....	27
VEHICLES:	
Speed of may be regulated by council, 21st.....	25
VENDORS:	
Required to keep proper weights and measures, 56th.....	25
VENUE:	
Change of, from city courts, 297.....	96
VERIFICATION LIST:	
Form and use of, 398.....	130
See "City Election Law."	
VETO:	
May be overcome by two-thirds vote of council, 54.....	39
Of ordinances by mayor, 53.....	30
Of ordinances—provisions concerning, 247.....	52
Of village ordinances, 143.....	49
VIADUCTS:	
Construction and maintenance of, 28th.....	23
VILLAGES:	
Appointment of clerk, 144.....	49
Board of canvassers—duties of, 487.....	163
Constable—appointment, etc., 144, 145.....	49
Duties of officers may be prescribed by ordinance, 144.....	49
Fees and commissions of officers, agents, etc., 243.....	81
Filing and recording organization proceedings, 12.....	12
May adopt city election law, 366.....	112
May be formed from cities, 150.....	50
May be formed from towns, 134.....	46
May be formed from parts of other villages or towns, 151.....	51
Organization of, Article XI.....	46
Organized from new territory, 138.....	47
Organized from towns with defective record, 157.....	52
Petition to county judge in organization proceedings, 128.....	47
President—election of, provided for, 238.....	59
Recording and filing organization proceedings, 12.....	12
Style of ordinances, 143.....	49

Index—Continued.

VILLAGE OFFICERS:	PAGE
Election of in new village, 155.....	53
Time of election, 146.....	49
VILLAGE PRESIDENT:	
Election of provided for, 236.....	80
VILLAGE TREASURER:	
Appointment of, 144.....	49
VILLAGE TRUSTEES:	
Number, election, term, etc., 141.....	48
VIOLATIONS:	
Of city election law, Article VI.....	153
Of ordinances—arrest, imprisonment, suit, etc., 387, 390.....	309
VITAL STATISTICS:	
Act concerning reports of.....	308
See "Births and Deaths."	
W	
WARDS:	
Redistricting city to form new wards, 204.....	72
Shall be arranged by council, 58.....	21
Shall equal half the number of aldermen, 58.....	21
What shall constitute a ward after annexation, 204.....	72
WARRANTS:	
Act concerning manner of issuing.....	181
Drawn in anticipation of taxes, 536.....	181
For refunding illegal taxes, 539.....	187
Issued in anticipation of levee taxes, 538.....	190
May be drawn only when there is money for payment, 538.....	181
Receivable for taxes, 538.....	182
To be signed by mayor, 106.....	39
Treatment of by treasurer, 103.....	38
When to bear interest, 537.....	182
WATCHERS OF CANVASS:	
See "City Election Law"	
WATCHMEN:	
Powers and duties prescribed by council, 63th.....	29
WATER:	
Borrowing money to secure supply, 125.....	45
WATER COMMISSIONERS:	
Power to raise money, 884.....	295
WATER COURSES:	
Alteration and improvement of by council, 30th.....	26
Cleansing and purifying of, 49th.....	26
WATER, HEAT AND LIGHT:	
Sundry acts concerning.....	288
WATER MAINS:	
To be laid under supervision of council, 13th.....	25
WATER POWER:	
Control of by sanitary board, 723.....	245
WATER RATES:	
Fixed by municipalities, 867.....	288
May be regulated by council.....	45, 292

WATER WORKS:

Acquiring property for, 128.....	45
Acquiring property for construction of, 860.....	289
Act authorizing construction or purchase.....	290
Act authorizing lease or purchase.....	298
Act authorizing purchase on extension.....	296
Act concerning additional supply.....	296
Act concerning source of supply.....	294
Additional powers given city council, 877.....	298
Bonds may issue against tax levied, 873.....	292
Borrowing money and levying tax, 879.....	294
Borrowing money—taxation, etc., 869.....	289
Certificates of indebtedness authorized, 896.....	296
Condemnation of property for, 881.....	296
Construction and maintenance of, 868.....	298
Contract for purchase or erection of, 869.....	291
Controlled by board of public works, 864.....	290
Damage to or destruction of—penalty, 863.....	296
Form of bonds, 874.....	292
Foreclosure of certificates, 890.....	297
Funds to be kept separate, 863.....	290
Lease or purchase of, 878.....	298
May be mortgaged, 889.....	297
Municipal—exempt from taxation, 845.....	184
Municipalities may construct, 868.....	298
Municipalities may contract for water supply, 866.....	290
Ordinance—publication—petition, etc., 882.....	296
Petition for lease or purchase, 878.....	293
Powers of council concerning, 871.....	291
Proposition for to be voted on, 870.....	291
Purchase or construction of, 866.....	296
Rates or rentals controlled by council, 876.....	292
Rates—taxation—regulation—etc., 127.....	45
Rights of purchaser at foreclosure sale, 891.....	299
Source may be outside corporate limits, 880.....	294
Special assessment for, 862.....	289
System may be mortgaged, 889.....	297
Supplying one municipality by another, 742.....	283
Tax—assessments—rules, etc., 861.....	289
Taxation for maintenance of, 863.....	198
Tax of one per cent per annum authorized, 868.....	290
Union district—creation—government, etc., 876.....	298
Use of in division of town, 188.....	62
Use of where territory is annexed, 197.....	69
Water commissioners may raise money, 864.....	286
Water fund—certificates—payment, etc., 866.....	287

WEIGHTS AND MEASURES:

Inspection and sealing of provided for, 55th.....	26
To be kept by vendors, 56th.....	26
Weighing of coal, hay, etc., provided for, 54th.....	26

WHARFAGE:

Control of by sanitary district, 728.....	245
May be collected for use of public wharf or levee, 87th.....	26
Rates may be fixed by council, 86th.....	26

WHARF BOATS:

License and regulation of, 35th.....	26
--------------------------------------	----

WHARFS:

May be constructed and maintained by council, 82d.....	26
May be established and controlled by council, 7th.....	24

WITNESS FEES:

In civil service investigations, 141.....	106
---	-----

WOODEN BUILDINGS:

Prohibition of within fire limits, 62d.....	26
---	----

WORK HOUSES:

Who may be admitted to, 387.....	309
----------------------------------	-----

WORKS OF ART:

Purchase of by municipalities, 1060.....	340
Removal or relocation of, 1062.....	341

WRITS OF ERROR:

From city courts, 800.....	96
May issue, when, 671.....	236



